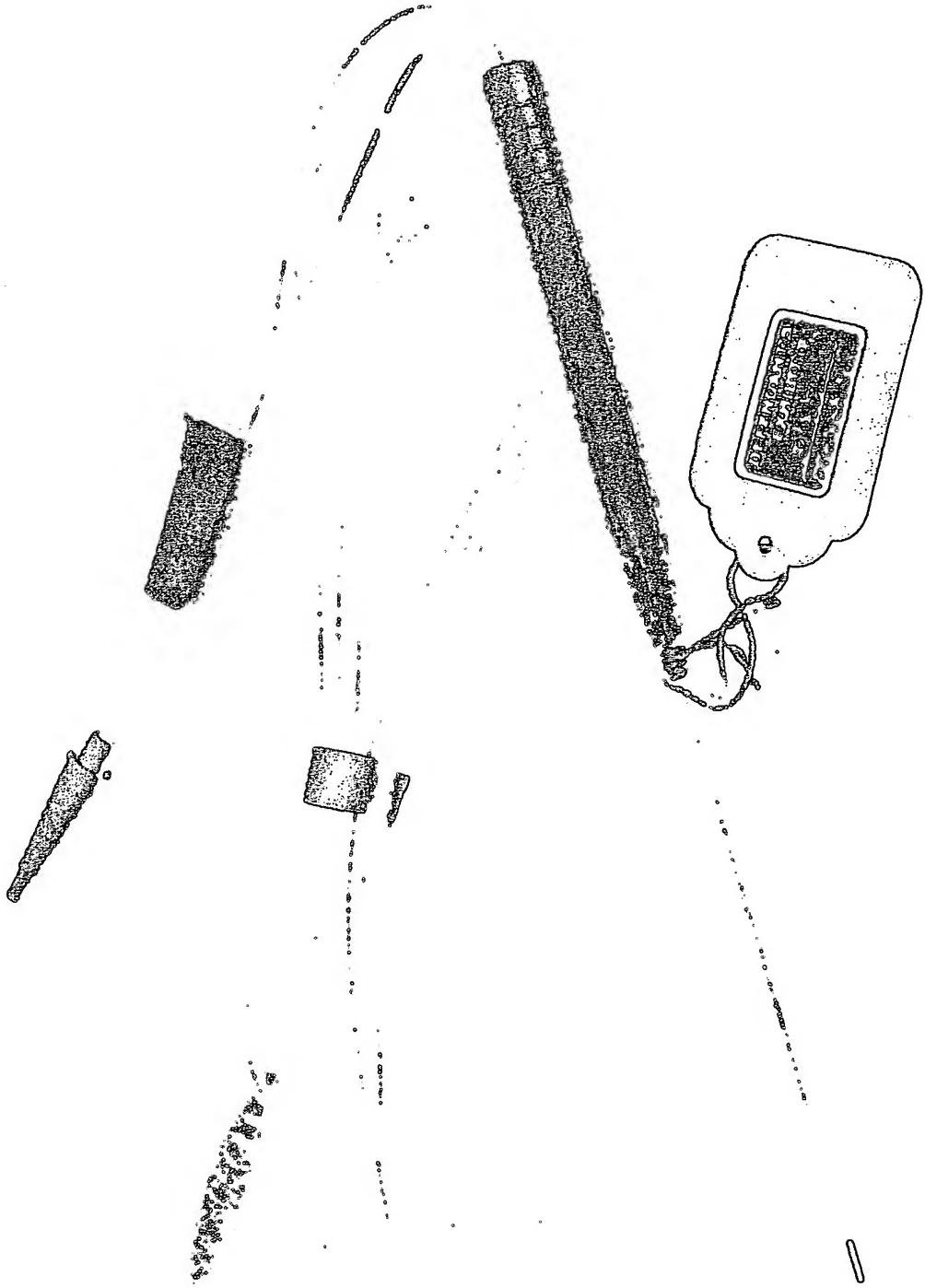


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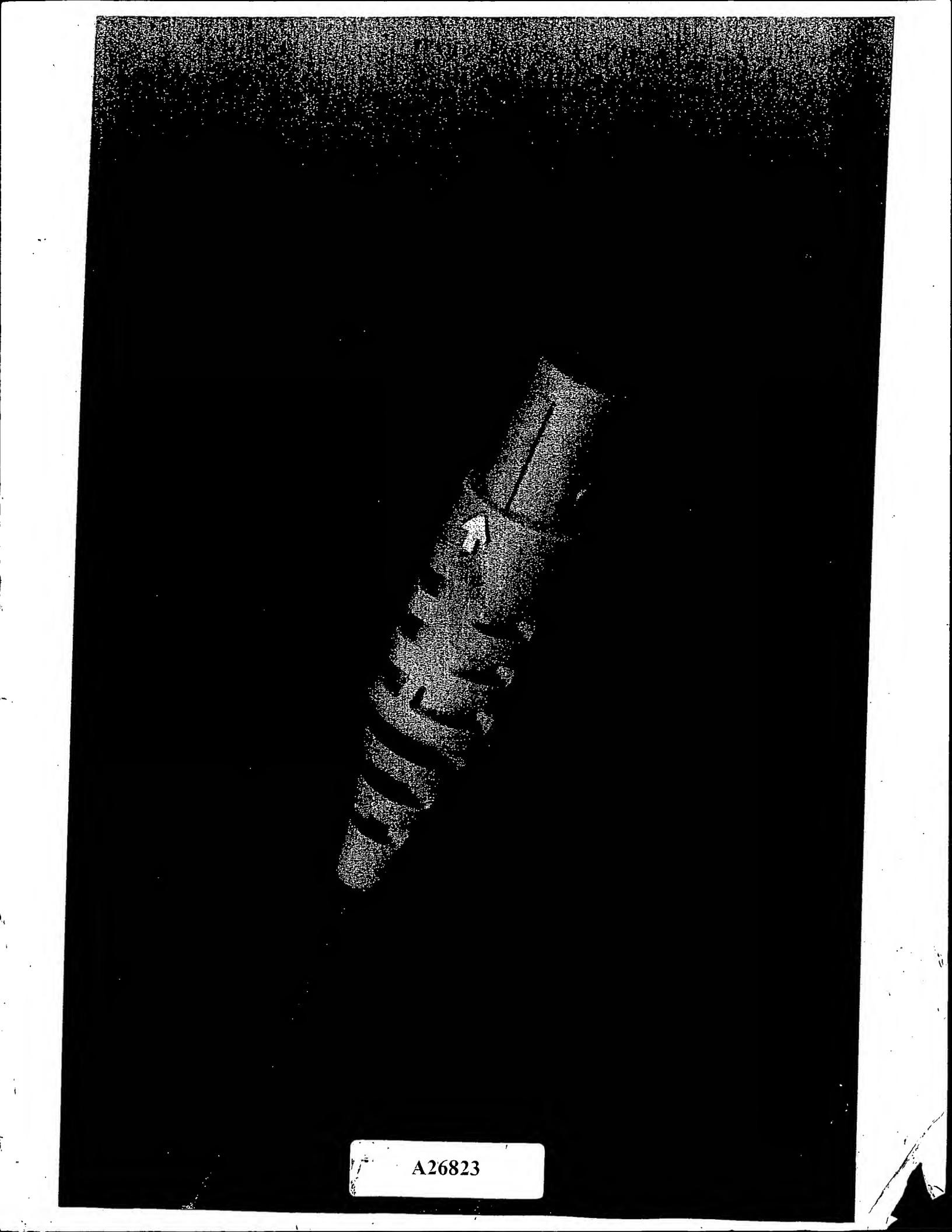
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DEFENDANT'S  
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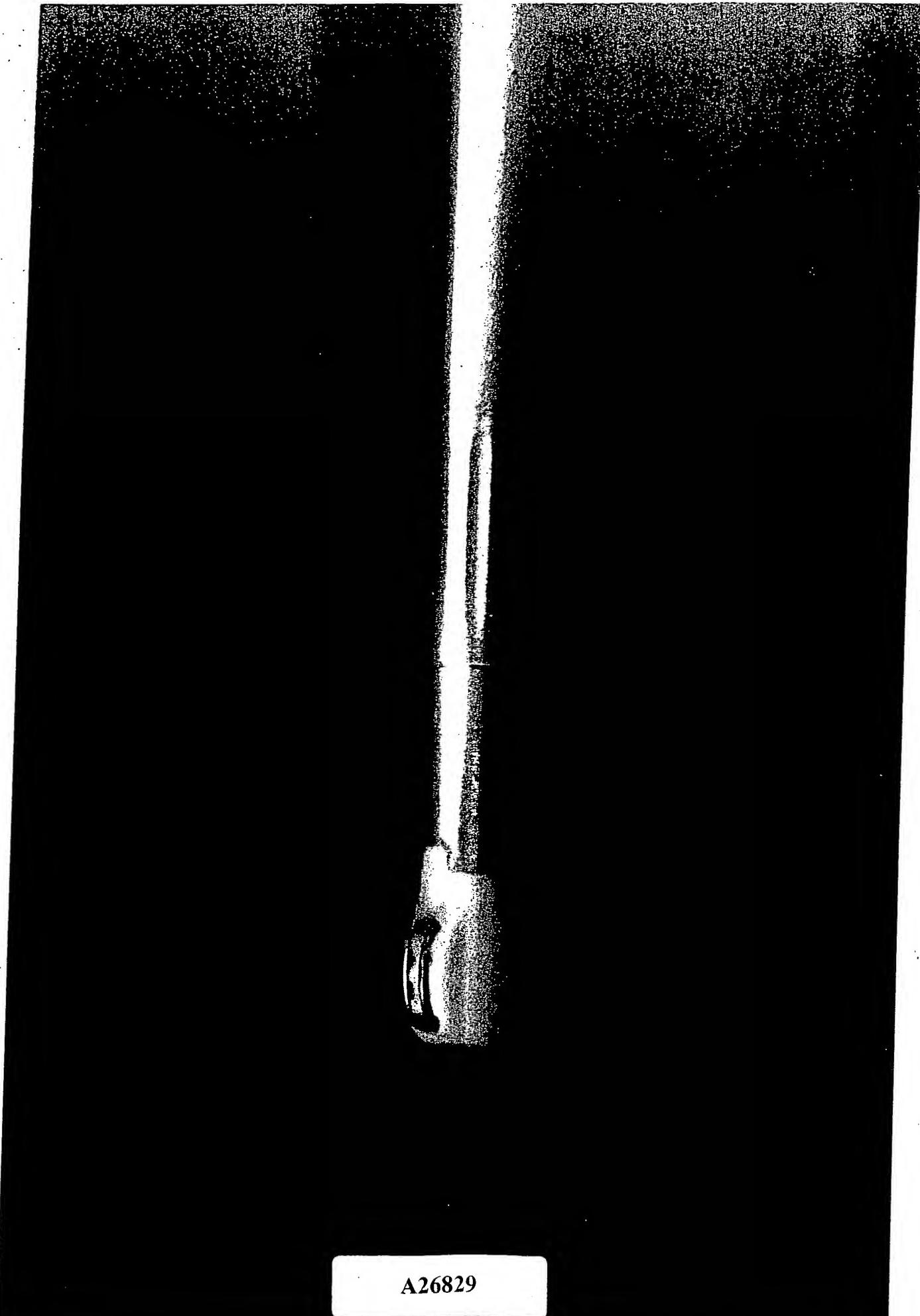


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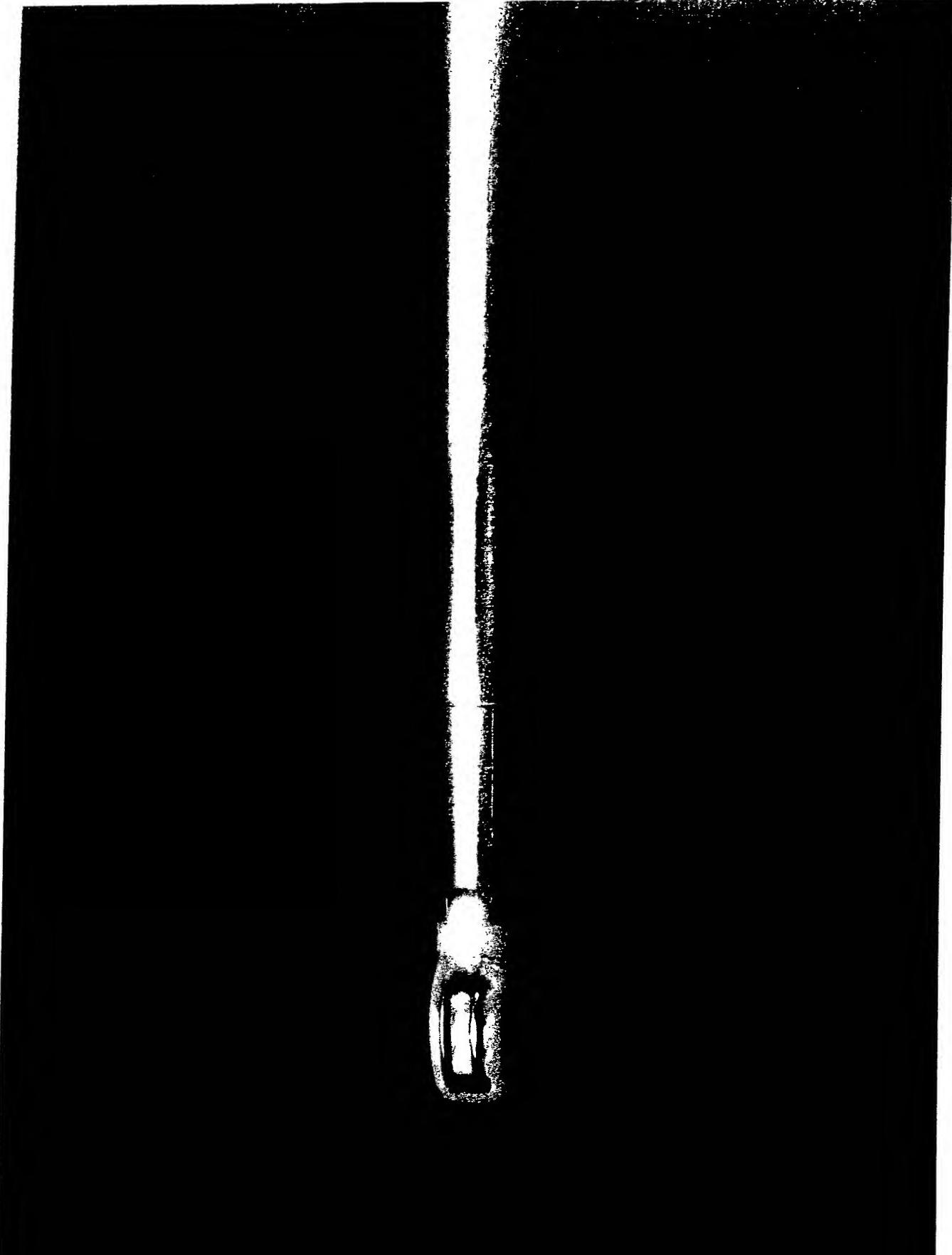
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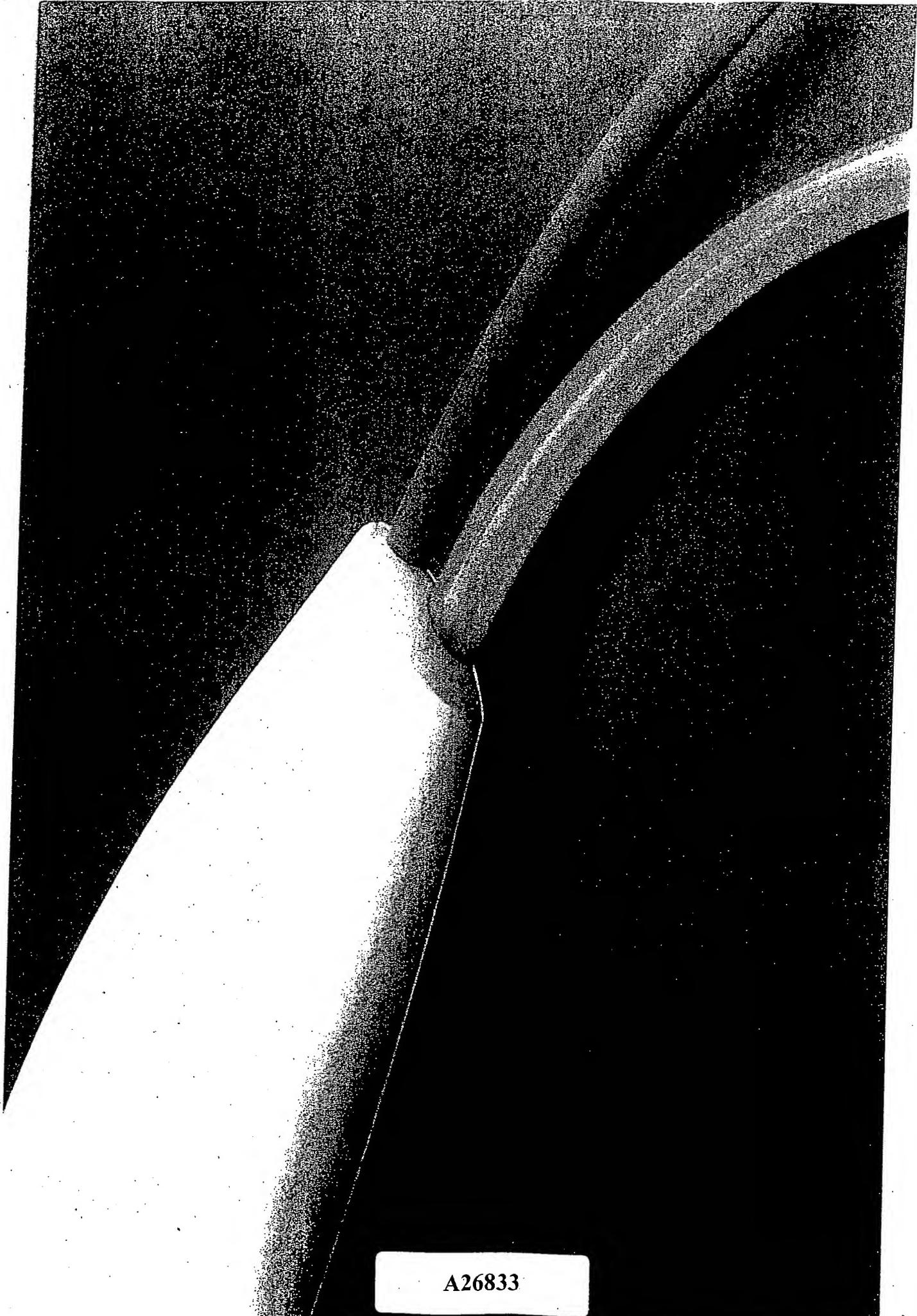
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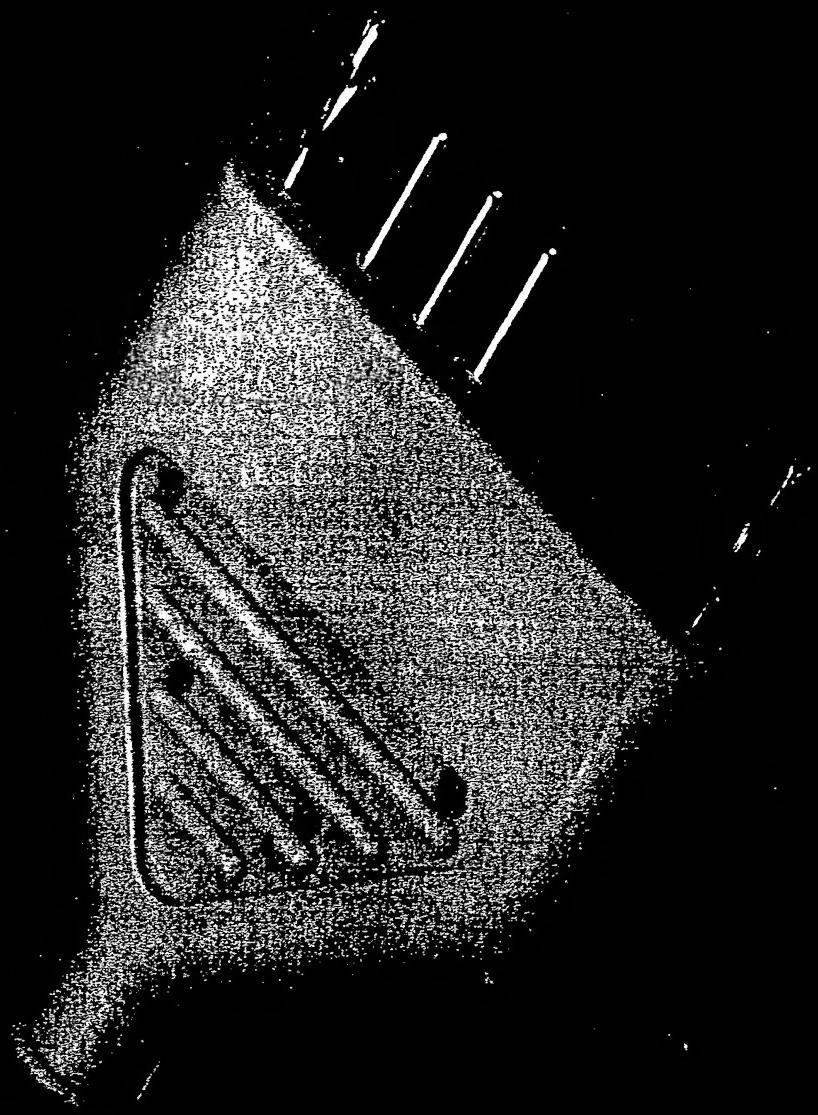
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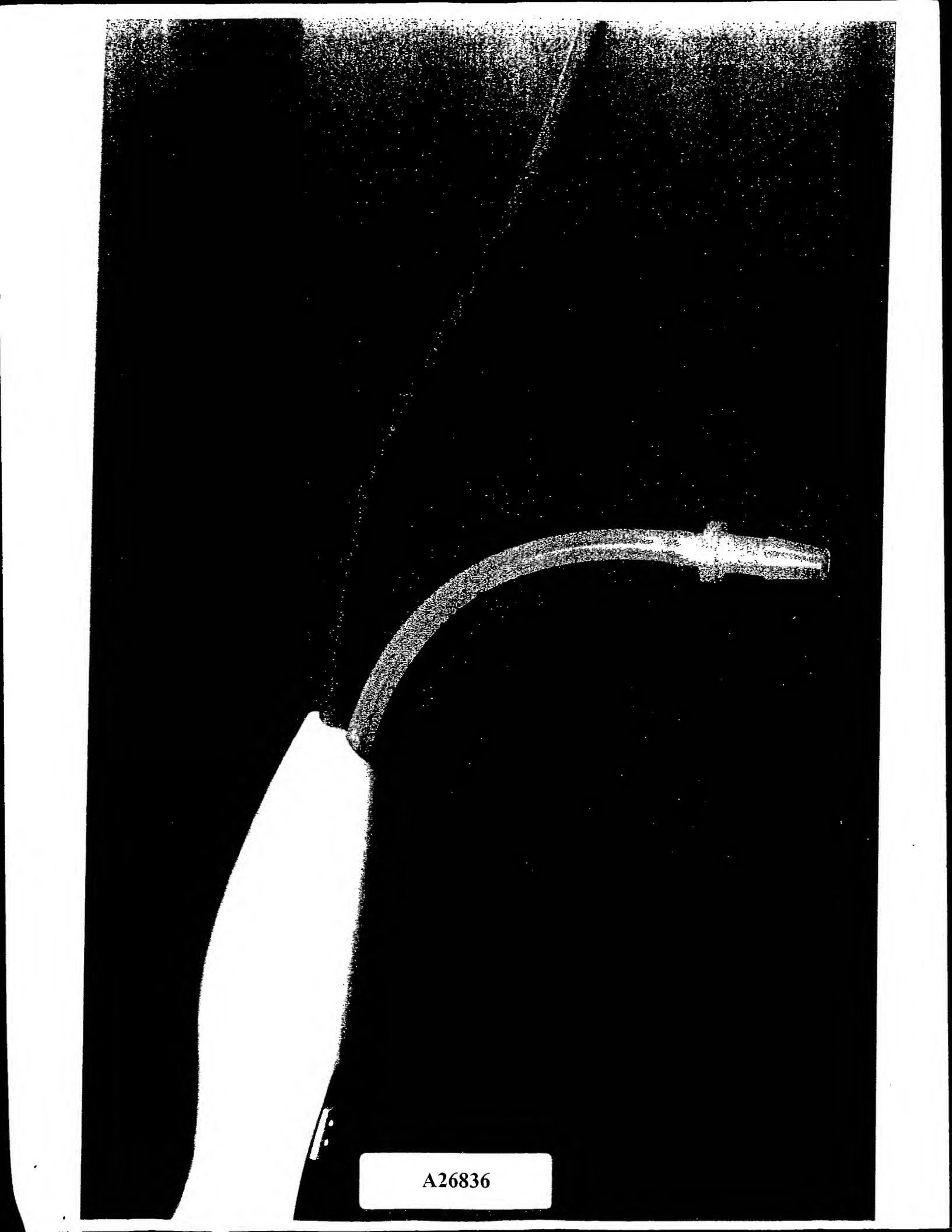
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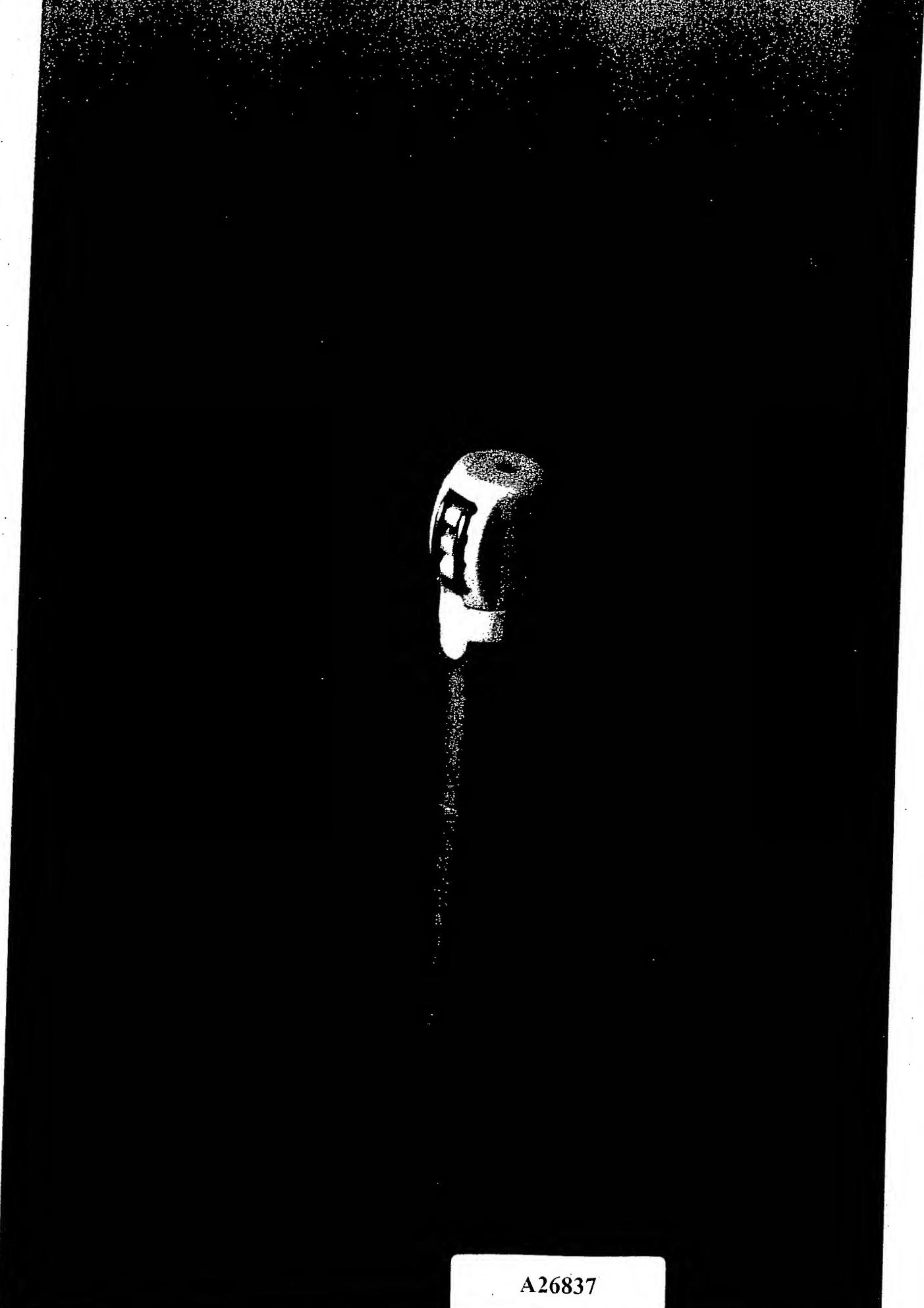
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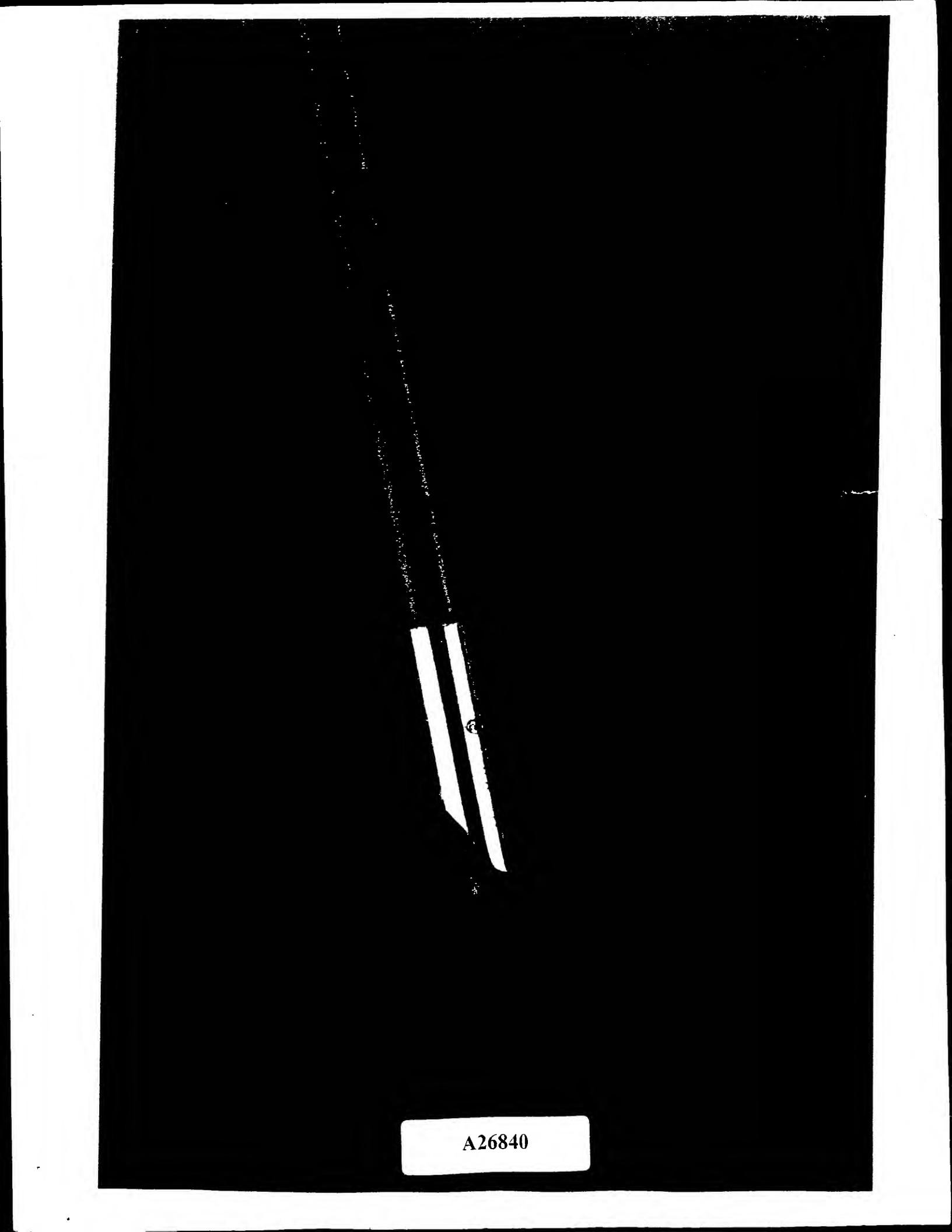


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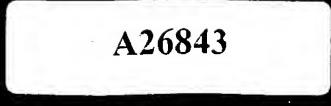


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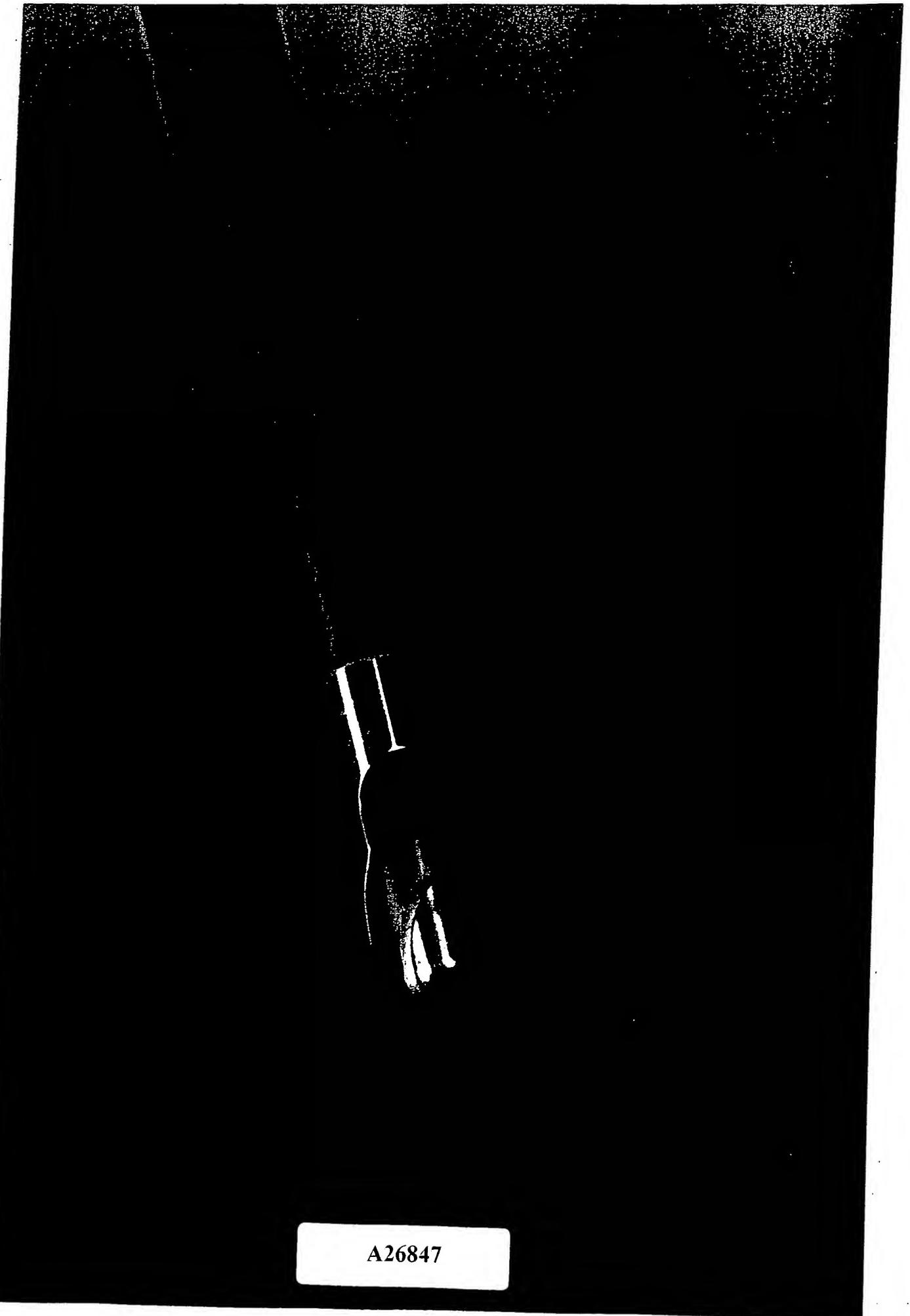
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Plaintiff's  
Trial Exhibit  
PE 1136

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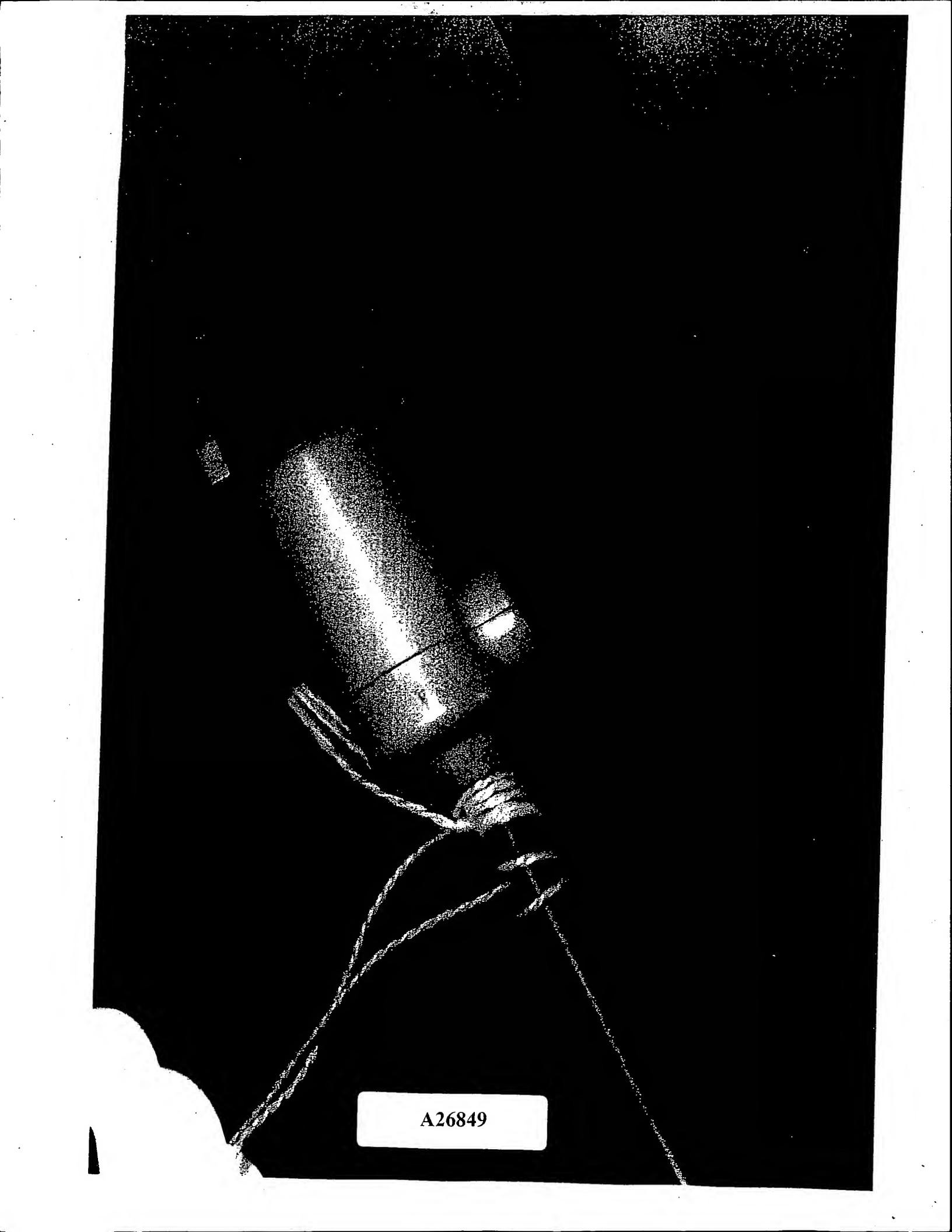
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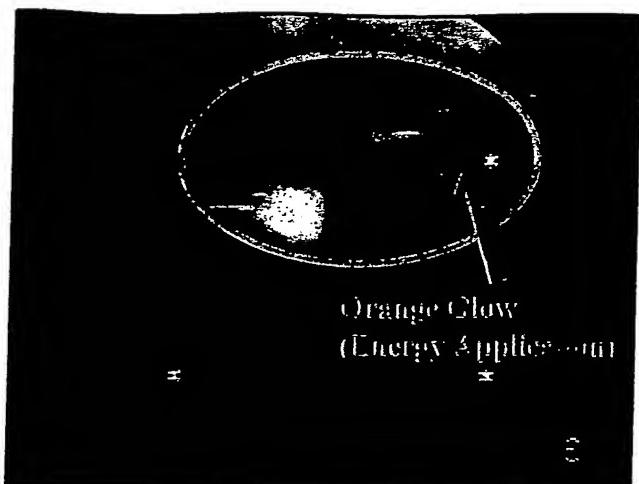
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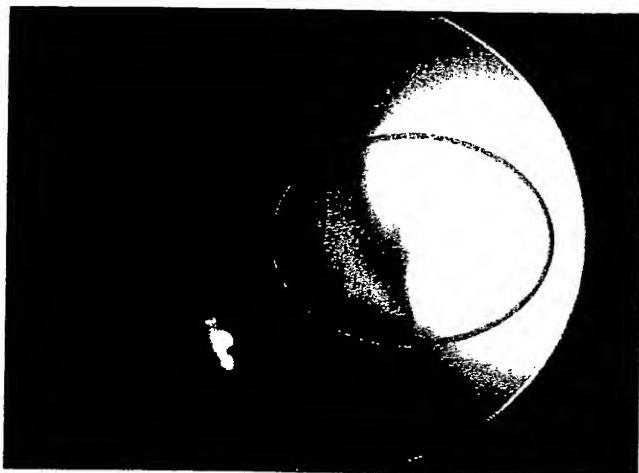
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PTX 105: Saphyre (Choti2.mpg)



DTX 315: Saphyre (BP-90S SAD 2-24sec.mpg)



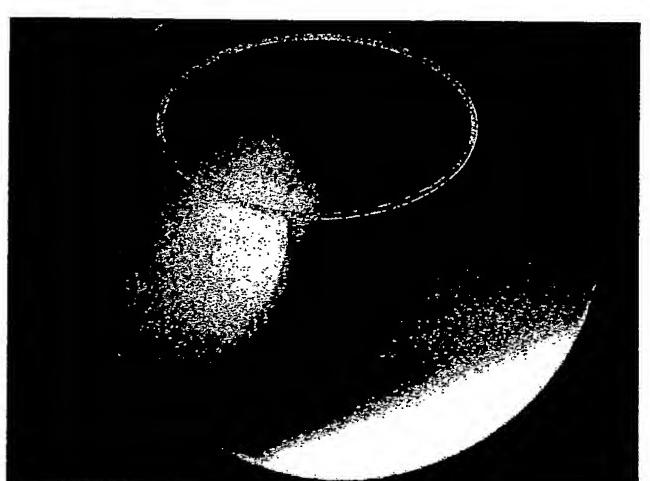
DTX 316: ElectroBlade (E-Blade Dr Cole Coagulation.mpg)



DTX 316: ElectroBlade (E-Blade Dr Cole Coagulation.mpg)

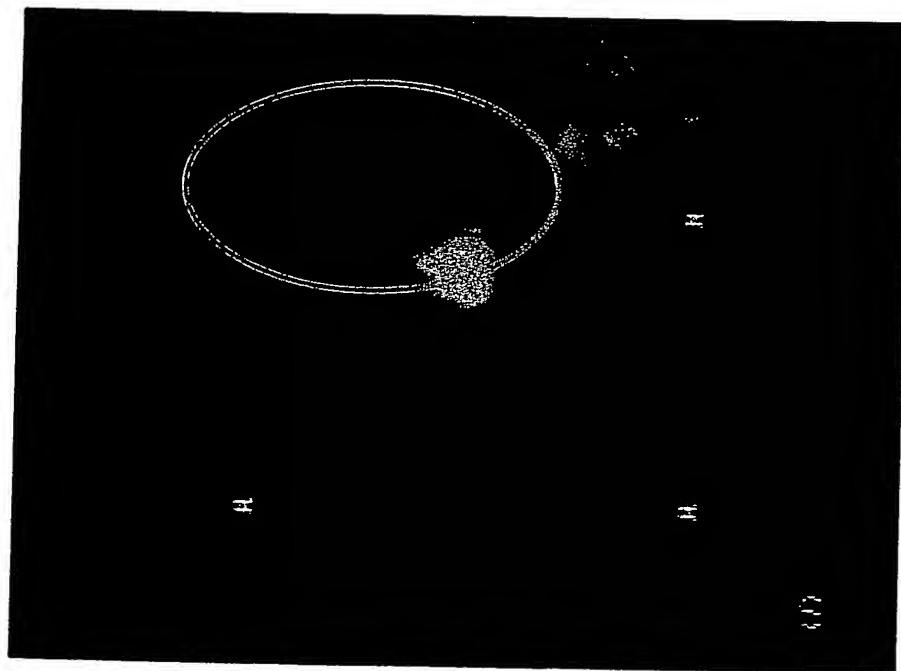
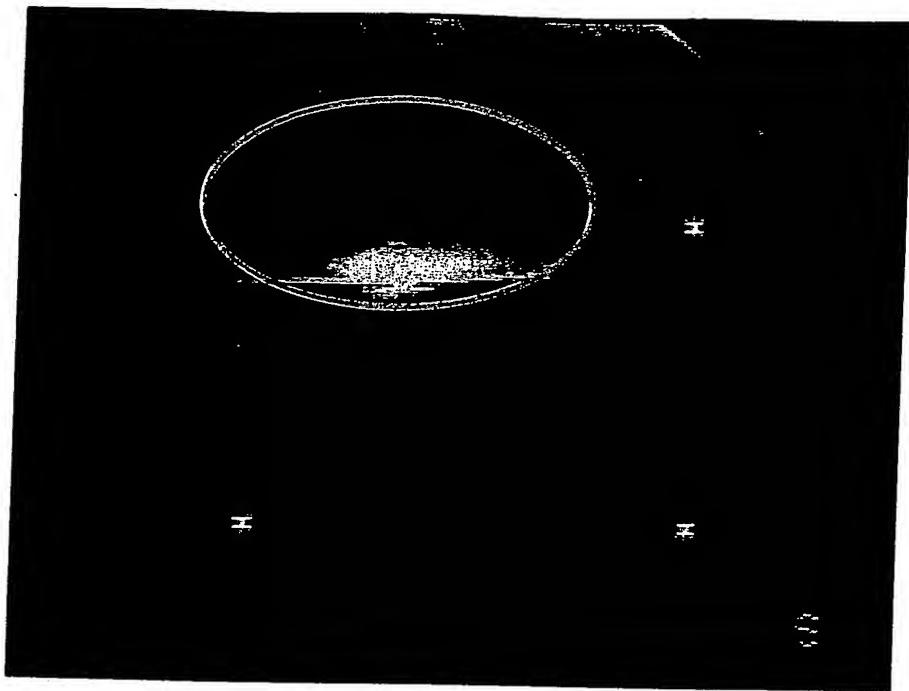


PTX 105: Control RF (Choti8.mpg)



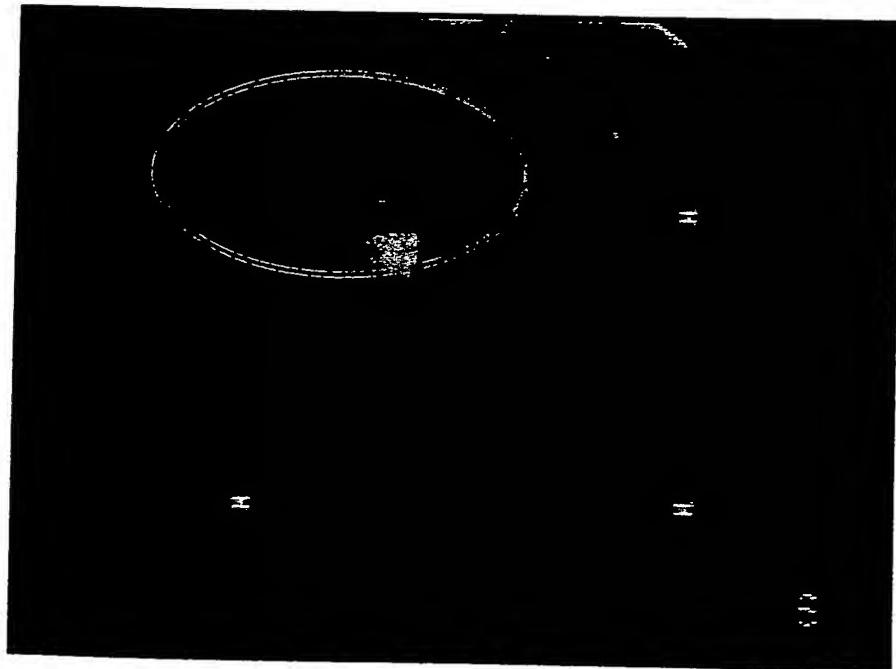
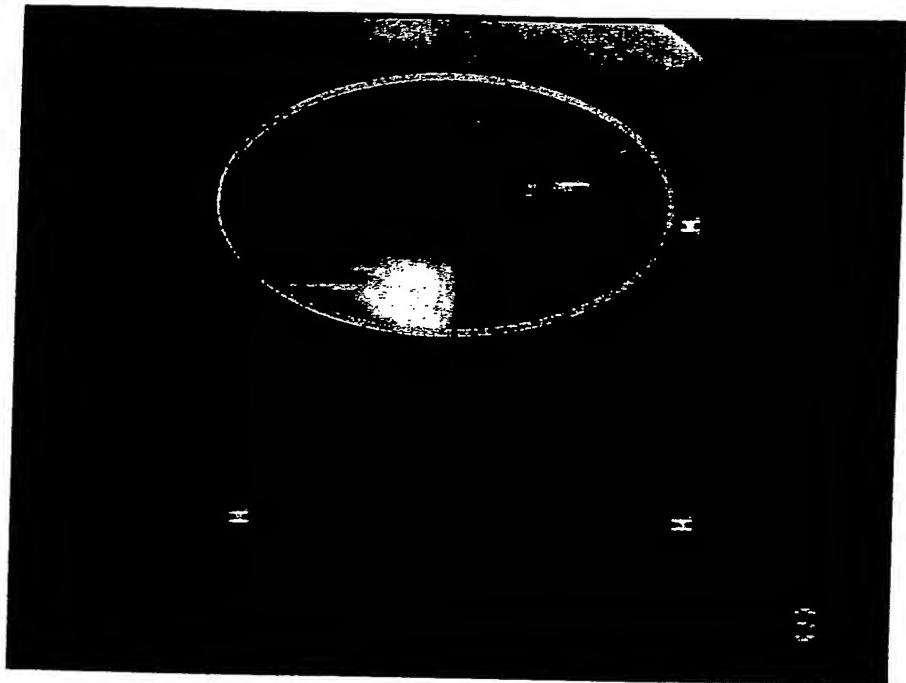
DTX 897: Control RF (Tuft's Lab.mpg)

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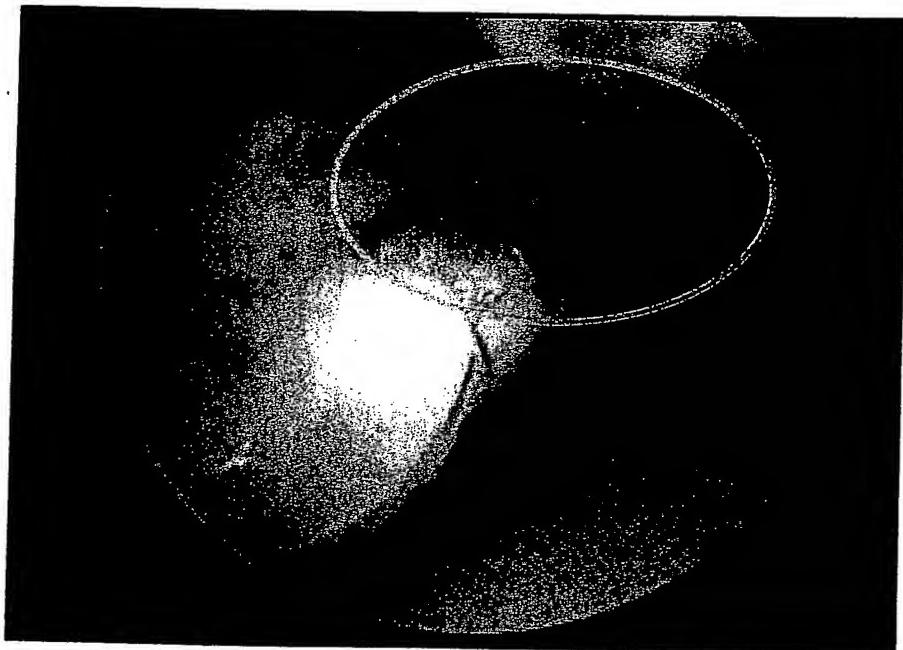
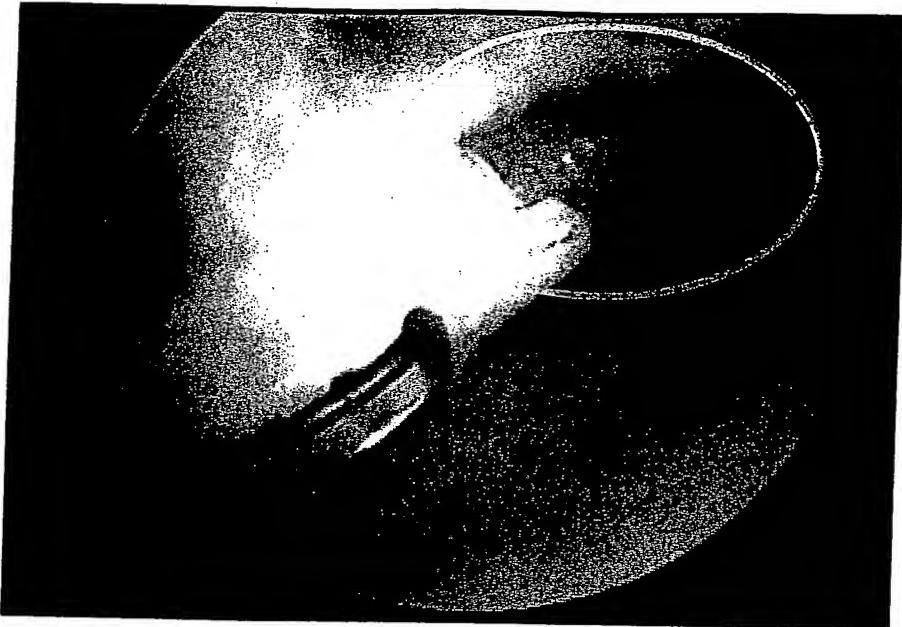
DTX 315: Saphyre (BP-90S SAD 2- 24sec.mpg)

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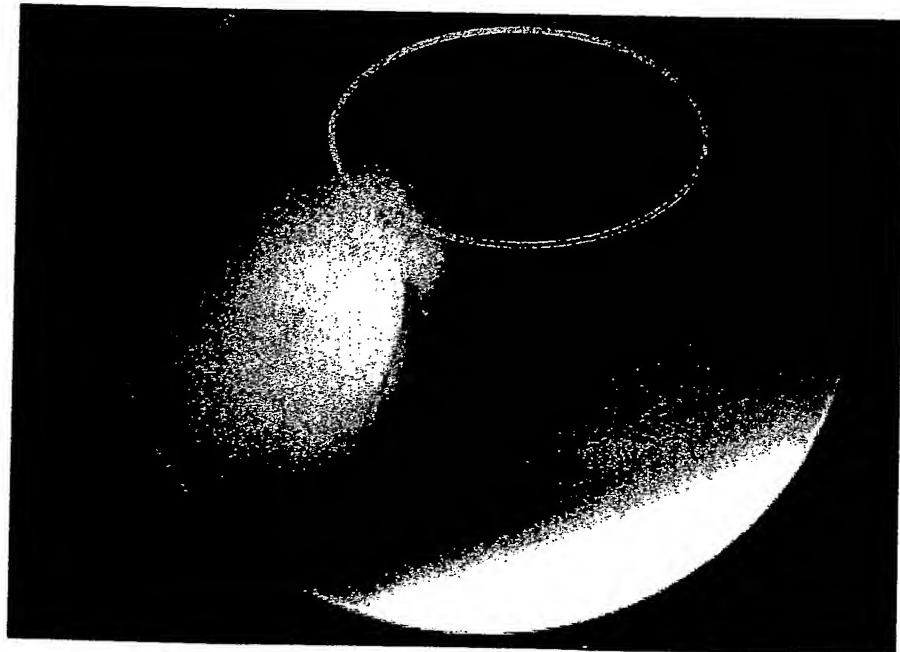
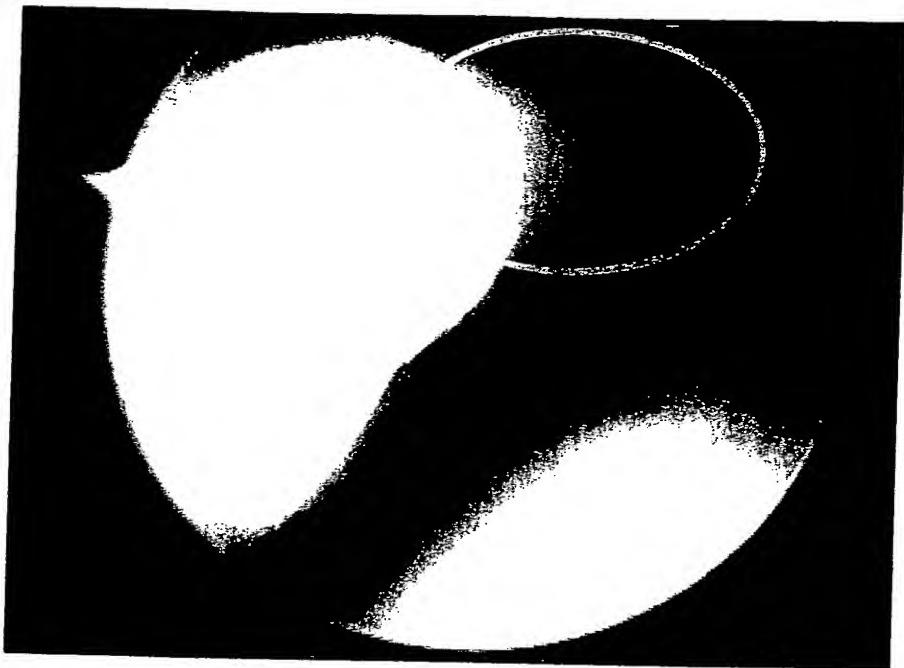
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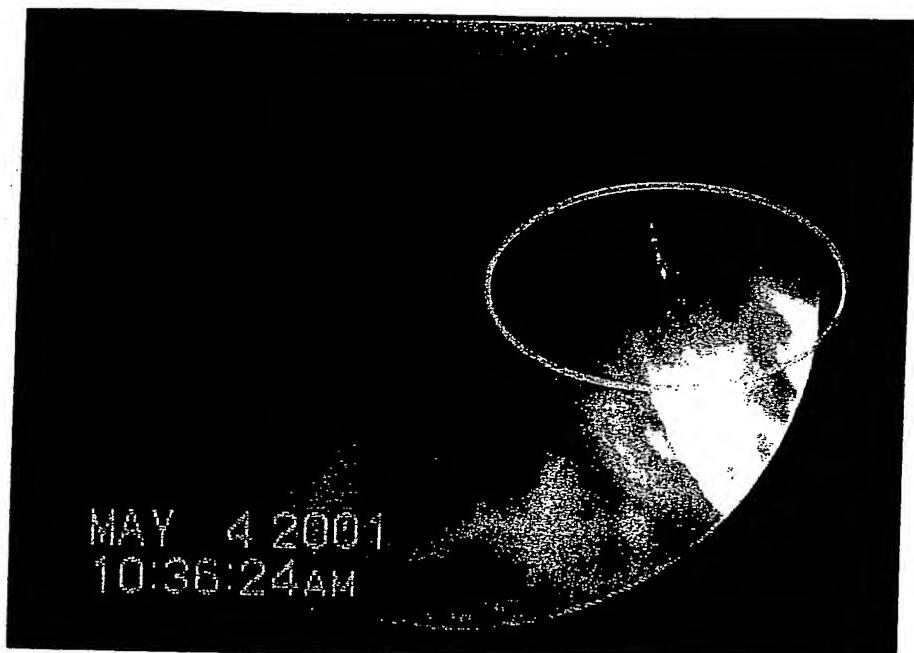
DTX 897: Control RF (Tuft's Lab.mpg)

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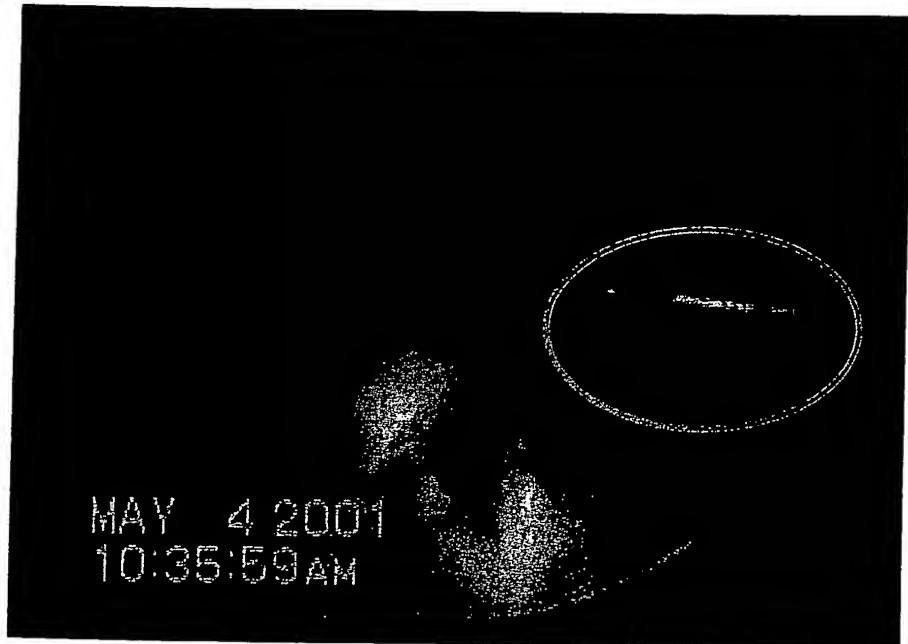


DTX 897: Control RF (Tuft's Lab.mpg)

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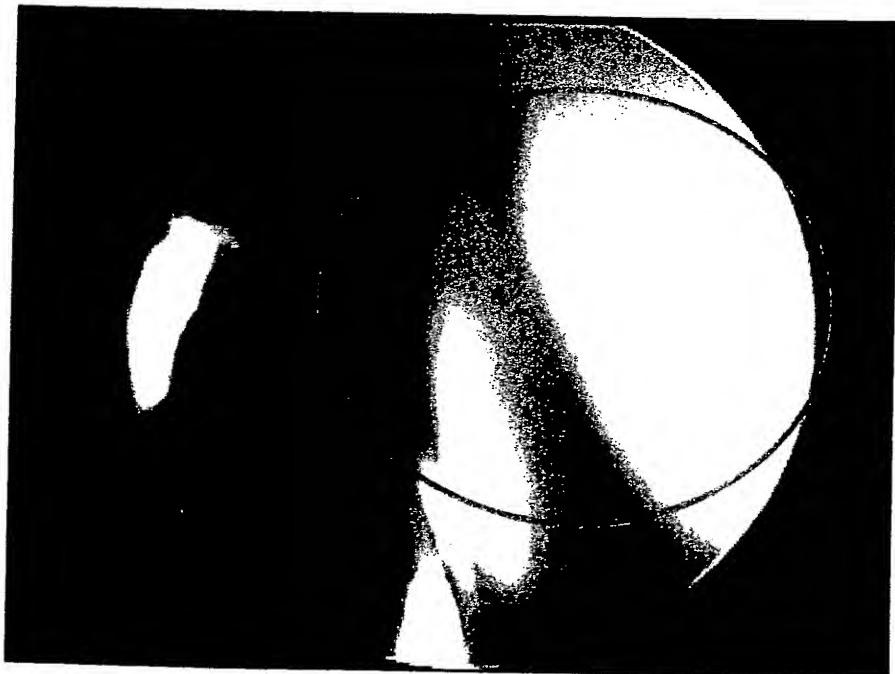
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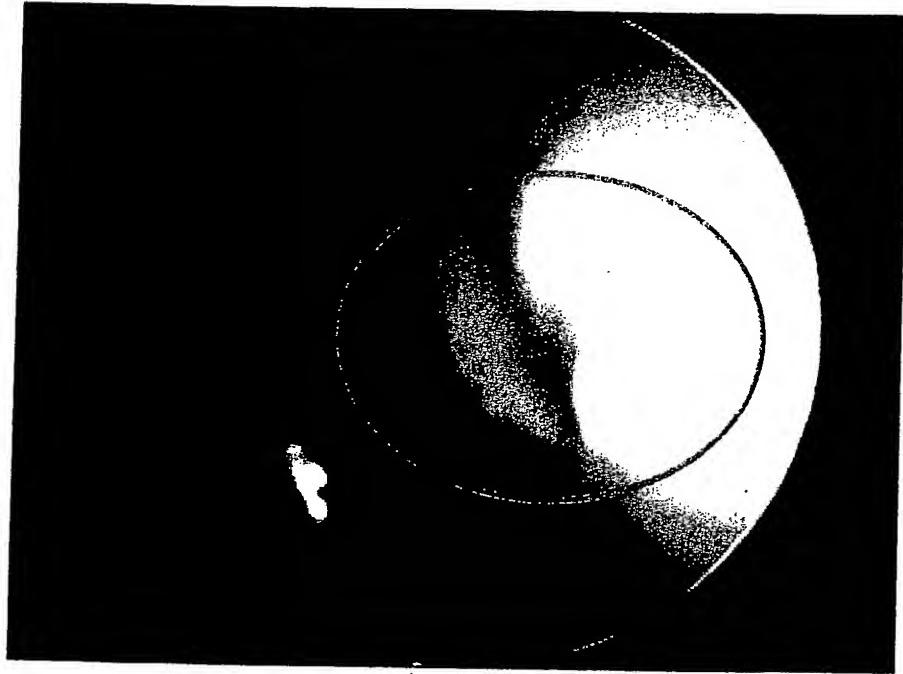
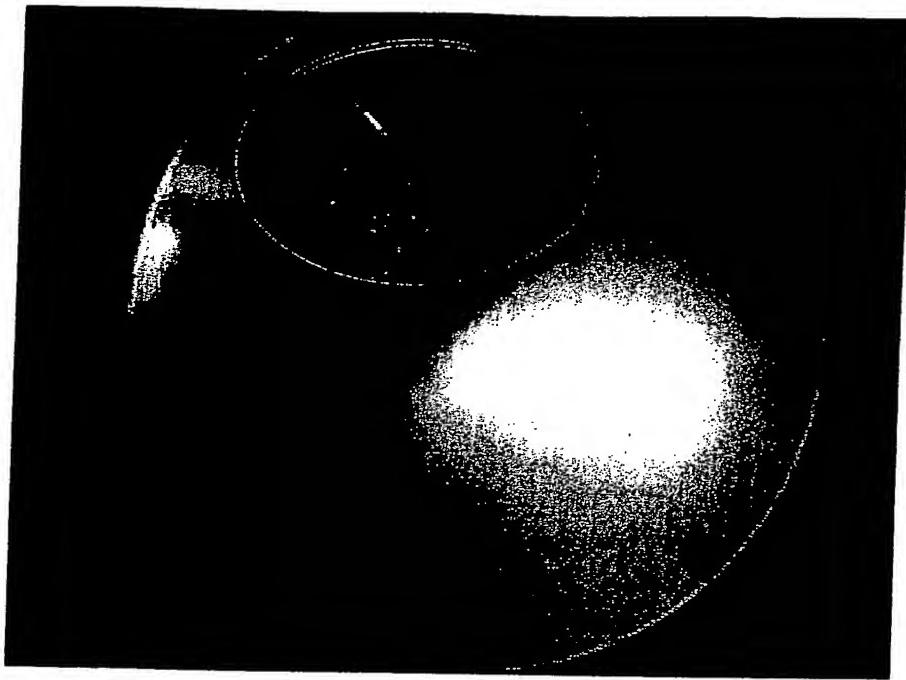
DTX 316: Electroblade(E-Blade Dr Siegel Simultaneous.mpg)

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DTX 316: ElectroBlade (E-Blade Dr Cole Coagulation.mpg)

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DTX 316: ElectroBlade (E-Blade Dr Cole Coagulation.mpg)

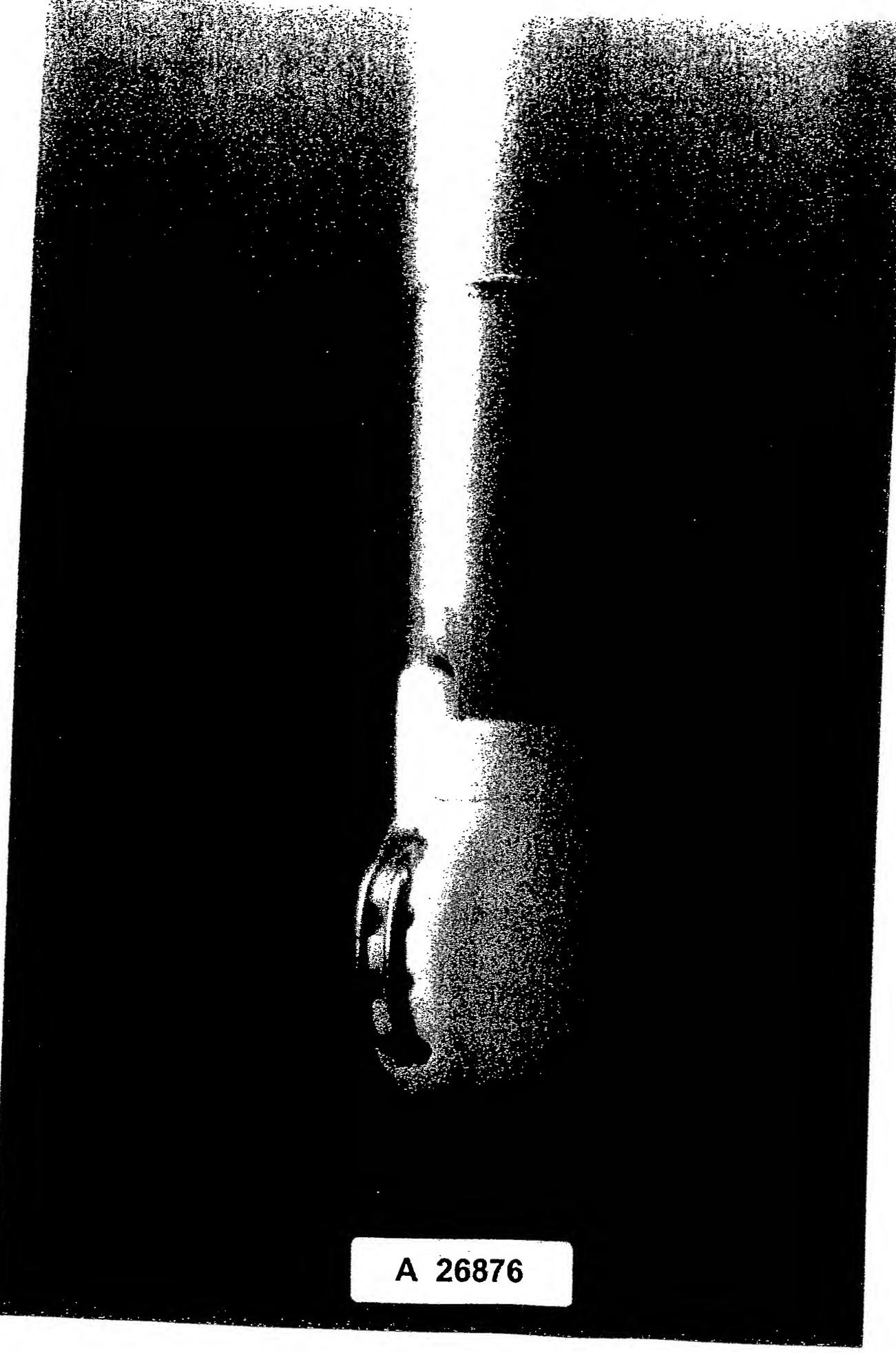
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Dr. Choti's Video (PX 105)

Saphyre



ElectroBlade

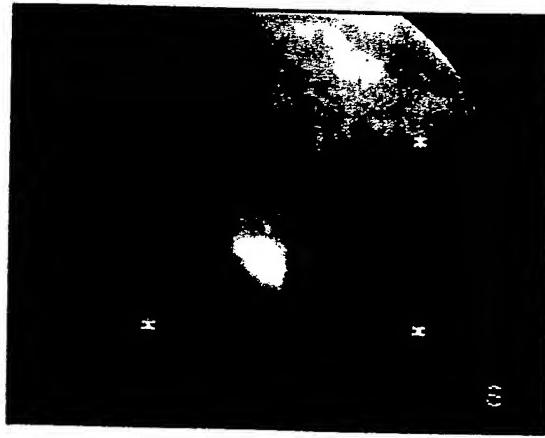
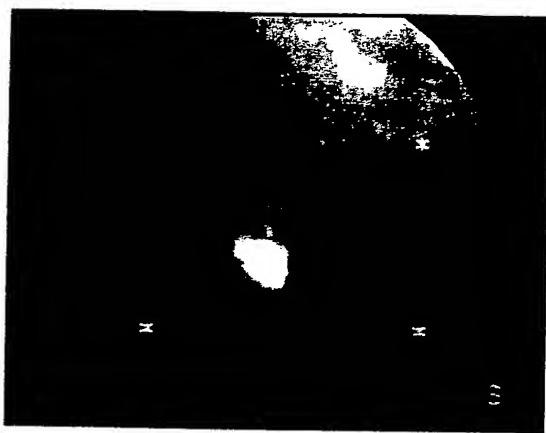
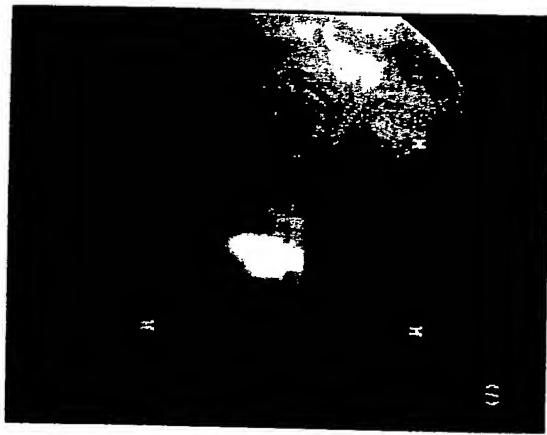
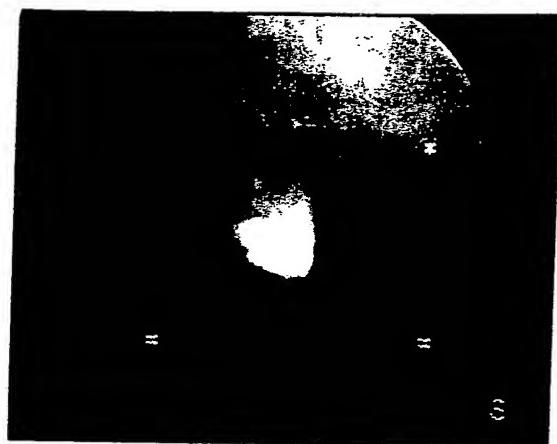
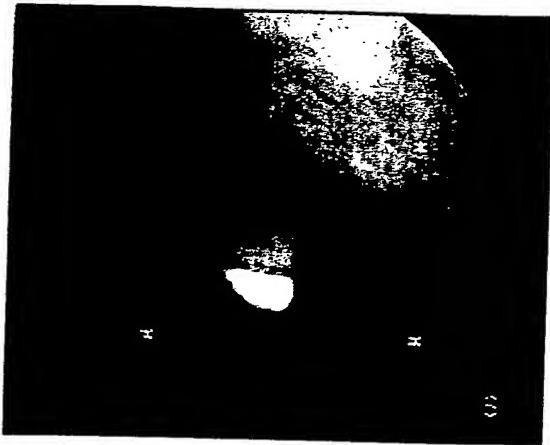


Control RF



A26890

Saphyre Sales Training Video (DTX 315)



A26891



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Please find below and/or attached an Office communication concerning this application or proceeding.

*Reexamination*

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 14, 15, 25, 26, 30, 31, 33, 38, 42, 43, 45, 46, 49, 55, 56, and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Elasser et al.. The Elasser et al. article discloses an electrosurgical system for use with a high frequency power supply and electrically conducting fluid supply including an electrosurgical probe, an electrode terminal, a connector electrically couples the electrode terminal to the power supply having structure near the proximal end of the probe shaft, a return electrode as an outer tubular member that forms a passageway with an insulated member, a control valve positioned on the shaft for controlling flow of electrically conducting fluid, and a fluid delivery element defining a fluid path in electrical contact with the return electrode and electrode terminal seen in Figs. 8 and 9. See translation pg. 4 (first 2 full paragraphs) and summary (pg. 7).

Claims 45, 46, 47, 55, and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by PAO (4,805,616). Pao discloses an electrosurgical system for applying electrical energy to a target site including a high frequency power supply, an electrosurgical probe having a shaft, an electrode terminal near the distal end, a connector to the power supply, a return electrode forming part of the shaft sufficiently spaced to minimize contact between the return electrode and patient's tissue, an electrically conducting fluid supply to direct the fluid to the target site

Art Unit: 3763

electrode and electrode terminal for directing fluid to generate a current flow between the return electrode and the electrode terminal. See col. 1, lines 10-13; col. 2, lines 22-54; col. 3, line 29 - col. 4, line 7; col. 4, line 36 - col. 5, line 6; col. 5, lines 27-41; col. 6, lines 1-4; and figs. 7, 8, 9.

Claims 45, 46, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by KAMMERLING (US Patent No. 5,217,459). Kammerling discloses an electrosurgical system for applying electrical energy to a target site including a high frequency power supply, an electrosurgical probe having a shaft, an electrode terminal near the distal end, a connector to the power supply, a return electrode forming part of the shaft, and an electrically conducting fluid supply to direct the fluid to the target site such that the fluid generates a current flow path between the return electrode and electrode terminal. See col. 1, lines 18-33; col. 2, lines 22-49; col. 2, line 67 - col. 3, line 5; and fig. 1.

Claims 45, 46, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by RYDELL (US Patent No. 5,007,908). Rydell discloses an electrosurgical system for applying electrical energy to a target site including a high frequency power supply, an electrosurgical probe having a shaft, an electrode terminal 42 near the distal end, a connector to the power supply, a return electrode 22 forming part of the shaft, and an electrically conducting fluid (saline) supply to direct the saline to the target site to generate a current flow path between the return electrode and electrode terminal. See col. 3, lines 49-56. Though Rydell does not mention the current path through the saline, this current inherently occurs when the electrically conductive saline is between the electrode terminal and return electrode. See also col. 1, line 35 - col. 2, line 2.

teachings of the Roos and Elasser article in the invention of Roos in order to contain leakage currents and provide an electrosurgical device that is safer to use.

*Original Claims Confirmed Allowable*

Original claims 3, 4, 6-13, 16-24, 27-29, 34-37, 39-41, 44, 48, 50-54, 57, 60, 62, and 64 are confirmed as being allowable over the art of record.

The following claims are confirmed for reciting limitations in an electrosurgical system comprising a probe having a electrode terminal near the distal end, a connector, return electrode, and a fluid delivery element defining a fluid path in electrical contact with the return electrode and the electrode terminal for directing fluid along the path to generate a current flow path between the return electrode and electrode terminal. These limitations are:

Claim 3: an insulating member surrounding the return electrode that forms a part of the probe shaft

Claim 4: the return electrode as an inner tubular member and fluid delivery element as a lumen within the return.

Claims 6-8: a separate fluid supply instrument having a portion as the return electrode.

Claims 9-13: an array of electrically isolated electrode terminals disposed near the distal end of the probe shaft.

Claims 16-22: a current limiting element for controlling current flow through the electrode terminal.

Claim 23: electrode terminal height of 0-2mm exposed to conducting fluid.

Claim 24: return electrode length 0.5-10mm.

Art Unit: 3763

Claims 53-54: an array of electrically isolated electrode terminals disposed near the distal end of the probe shaft.

Claim 57: a current limiting element to control current flow through the electrode terminal to inhibit power dissipation around the target site.

Claim 60: means for controlling power based on electrical impedance between electrodes.

Claim 62: using ceramic, glass, or glass/ceramic compositions.

Claim 64: locating the return electrode on the patient's body surface.

*Papers Submitted in Response to Action*

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, which will be strictly enforced.

*Litigation*

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 4,981,467 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

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# Shorter Oxford English Dictionary

ON HISTORICAL PRINCIPLES

*Fifth edition*

VOLUME 1 · A-M

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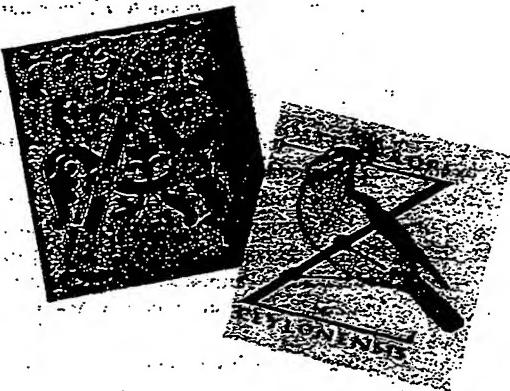
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*The*  
**American  
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**FOURTH EDITION**



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**Arns•berg** (ärn'z'bärg, ärn's'bärk) A city of west-central Germany with-southeast of Münster. It was founded in 1077 and received a municipal charter in 1237. Population: 75,135.

**A•roe Islands** (ä'rō'ēz) See Aru Islands.

**a•roid** (ä'rōid', ärōid') n. Any of various perennial herbs in the arum family, including houseplants such as the anthurium, dieffenbachia, and philodendron and having tiny flowers crowded in a spadix that is subtended by a spathe. [AR(UM) + -OID.] —a'roid' adj.

**a•roit** (ä'roint') tr.v. Archaic Used in the imperative to express an order of dismissal: "Aroint thee, witch!" (Shakespeare). [Origin unknown.]

**a•ro•ma** (ä'rō'mä) n. 1a. A quality that can be perceived by the olfactory sense: the aroma of garlic and onions. See synonyms at smell. b. A pleasant characteristic odor, as of a plant, spice, or food: the aroma of roses. See synonyms at fragrance. 2. A distinctive, intangible quality: an aura; the aroma of success. [Alteration (influenced by Latin *aroma*, *spice*) of Middle English *aromat*, aromatic substance, from Old French, from Latin *aromatica* pl. of *aroma*, from Greek, aromatic herbs.]

**a•ro•ma•ther•a•py** (ä'rō'mä-thär'ä-pé) n., pl. -pies The use of selected fragrant substances in lotions and inhalants in an effort to affect mood and promote health.

**a•ro•mat•ic** (ä'rō'mät'ik) adj. 1. Having an aroma; fragrant or sweet-smelling: aromatic herbs. 2. Chemistry Of, relating to, or containing one or more six-carbon rings characteristic of the benzene series and related organic groups. ♦ n. 1. An aromatic plant or substance, such as a medication. 2. Chemistry An aromatic organic compound. —a'ro•mat'i•cal•ly adv. —a'ro•mat'i•c•ness n.

**a•ro•ma•tic•i•ty** (ä'rō'mä-tis'i-té, ä'rō'mä-té) n., pl. -ties Aromatic quality or character, especially the distinctive structure or properties of the aromatic chemical compounds.

**a•ro•ma•tize** (ä'rō'mä-tiz') tr.v. -tized, -tiz•ing, -tizes 1. To make aromatic or fragrant: swirled the wine to aromatize it. 2. Chemistry In subject to a reaction that converts a substance into an aromatic compound. —a'ro'mä-ti•za•tion (ä'zä-shän) n.

**A•roos•took** (ä'rōos'tak, -rōos'-) A river rising in northern Maine and flowing about 225 km (140 mi) generally eastward to the St. John River in New Brunswick, Canada.

**a•rose** (ä'róz) v. Past tense of arise.

**a•round** (ä'round') adv. 1a. On all sides: dirty clothes lying around. b. In close to all sides from all directions: a field bordered around with tall trees. 2. In a circle or with a circular motion: spun around twice. 3. In circumference or perimeter: a pond two miles around. 4. In succession: rotated: passed the collection plate around; seasons that rolled around each year. 5. In or toward the opposite direction or position: wheeled around to face the attacker. 6a. To or among various places; here and there: wander around. b. To a specific place: Come around again sometime. 7. In or near one's current location: waited around for the next flight. 8. From the beginning to the end: frigid weather the year around. 9. Approximately; about: weighed around 30 pounds; around \$1.3 billion. —adv. & prep. 1. On all sides of: trees around the field. 2. In such a position as to encircle or surround: a sash around the waist. 3a. Here and there within throughout: on the political stump around the country. b. In the immediate vicinity of; near: She lives around Norfolk. 4. On or to the farther side of: the house around the corner. 5. So as to pass, bypass, or avoid: a way around an obstacle; got around the difficulty somehow. 6. Approximately at: woke up around seven. 7. In such a way as to have a basis for entry into an economy focused around farming and light industry. ♦ adj. 1. Being in existence: Our old dog is no longer around. 2. Being in evidence; present: asked if the store manager was around. —idiom: been around Informal Had many and varied experiences; been experienced in the ways of the world; wanted his chief of staff to be someone who has been around. [Middle English: probably a-, in; see A-<sup>2</sup> + round, <sup>1</sup> like; see ROUND<sup>1</sup>.]

**a•round-the-clock** (ä'round'ðə-klok') adj. Variant of round-the-clock.

**a•rouse** (ä'róoz') v. a•roused, a•rousing, a•rouses —tr. 1. To awaken from or as if from sleep. 2. To stir up; excite: The odd sight aroused our curiosity. See synonyms at provoke. 3. To stimulate sexual desire in: —into To be or become aroused. [From ROUSE, on the model of such pairs as rise, arise.] —a'rous'al n.

**Arp (ärp), Jean or Hans** 1857–1966. French artist and a founder of Dada. He is particularly noted for his abstract reliefs and three-dimensional sculptures.

**ARP** abbr. Address Resolution Protocol

**Arpád (ärpä'd)** Died 907. Hungarian national hero who founded the first Hungarian dynasty (c. 884).

**a•rep•gi•ate** (ä'rep'ë-jë-ët') tr.v. -ated, -at•ing, -ates 1. To play a song (a chord) in arpeggio. 2. To represent (the tones of a chord) as separate notes, as on a staff. —a'rep'ë-gi•a'tor n.

**a•rep•gi•o** (ä'rep'ë-jë-ö', -pëj'ë-ö) n., pl. -os 1. The sounding of the tones of a chord in rapid succession rather than simultaneously. 2. A sound played or sung in this manner. [Italian, from *arpa*, harp, of Germanic origin. See HARP.]

**a•re•pent** (ä're-pënt') n. Any of various French units of land measurement, especially one used in parts of Canada and the southern United States and equal to about 0.4 hectare (0.85 acre). [French, from Old French, from Latin *arpennis*, half acre. See per<sup>1</sup> in Appendix I.]

**arr.** abbr. 1. arranged 2a. arrival b. arrived

**a•re•ca•cha** (ä're-kä'chä) n. A perennial Andean herb (*Armenia sandwicensis*) in the parsley family, grown for its large, fleshy, edible roots. Also called epia. [Spanish, from Quechua *amachka*.]

**a•rak** (ä'räk, ä-räk') n. A strong alcoholic drink of the Middle East and the Far East, usually distilled from fermented palm sap, rice, or molasses. [Arabic 'araq, sweat, strong clear liquor made from raisins, from 'arraq, to sweat. See 'rq in Appendix II.]

**a•raign** (ä'räñ') tr.v. -aigned, -aigning, -aigns 1. Law To call (an accused person) before a court to answer the charge made against him or her by indictment, information, or complaint. 2. To call to account; accuse: "Johnson arraigned the modern politics of this country as entirely devoid of all principle" (James Boswell). [Middle English arrainen, from Old French arrainer, from Vulgar Latin \*adnatiōnare, to call to account; Latin ad-, ad- + Latin natiōn-, nation; see REASON.] —a'raign'er n. —a'raign'ment n.

**A•ran** (ä'rān) A granite island of western Scotland in the Firth of Clyde. It is a resort area noted for its scenery and its hunting and fishing. —a'ranian adj.

**a•range** (ä'rāñ') v. -anged, -rang•ing, -ranges —tr. 1. To put into a specific order or relation; dispose: arrange shoes in a neat row. 2. To plan or prepare for: arrange a picnic. 3. To bring about an agreement concerning: settle: "It has been arranged for him by his family to marry a girl of his own class" (Edmund Wilson). 4. Music To reset (a composition) for other instruments or voices or as another style of performance. —intr. 1. To come to an agreement. 2. To make preparations: plan: arrange for a big wedding. [Middle English arragen, from Old French arranger: *à*, to (from Latin ad-) + ranger, to put in a line (from *reng*, line; see sker<sup>2</sup> in Appendix I).] —a'rang'er n.

**Synonyms** arrange, marshal, order, organize, sort, systematize These verbs mean to distribute or dispose persons or things properly or methodically: arranging figures numerically; to marshal all relevant facts for presentation; ordered my chaotic life; organized the fundraiser; sorted the sweaters by color; systematized the assortments files.

**a•range•ment** (ä'rāñ'mänt) n. 1. The act or process of arranging; the arrangement of a time and place for the meeting. 2. The condition, manner, or result of being arranged; disposal: provided flowers and saw to their arrangement. 3. A collection of things that have been arranged: the circular arrangement of megaliths called Stonehenge. 4. A provision or plan made in preparation for an undertaking. Often used in the plural: made arrangements for surgery. 5. An agreement or settlement; a disposition: Our dog will be looked after by arrangement with a neighbor. 6. Music a. An adaptation of a composition for other instruments or voices or for another style of performance. b. A composition so arranged.

**a•rant** (ä'rāñt) adj. Completely such; thoroughgoing: an ardent foot; the ardent luxury of the ocean liner. [Variant of EURANT.] —a'rant'ly adv.

**a•ras** (ä'räs) n., pl. arras 1. A wall hanging; a tapestry. 2. A curtain or wall hanging, especially one of Flemish origin. [Middle English, after ARRAS.]

**A•ras•as** (ä'räz, ä-räz') A city of northern France south-southwest of Lille. It was a famous woolen and tapestry center in the Middle Ages. Population: 41,736.

**A•rau** (ä'rōo'), Claudio 1903–1991. Chilean-born American pianist particularly noted for his interpretation of Beethoven's piano works.

**a•ray** (ä'räy') tr.v. -rayed, -ray•ing, -rays 1. To set out for display or use; place in an orderly arrangement: arrayed the whole regiment for the parade ground. 2. To dress in finery; adorn. ♦ n. 1. An orderly, often imposing arrangement: an array of royal jewels. 2. An impressively large number, as of persons or objects: an array of heavily armed troops; an array of spare parts. See synonyms at display. 3. Splendid attire; finery. 4. Mathematics a. A rectangular arrangement of quantities in rows and columns, as in a matrix. b. Numerical data linearly ordered by magnitude. 5. Computer Science An arrangement of memory elements in one or more planes. [Middle English arrien, from Anglo-Norman arrier, from Vulgar Latin \*arrēdere. See reidh- in Appendix I.]

**a•ray•al** (ä'räyl') n. 1. The act or process of arranging in an orderly or imposing manner. 2. Something so arranged; an array.

**a•rear•age** (ä'strāj') n. 1. The state of being behind in the fulfillment of obligations or of being overdue in payment. 2. A payment owed. **a•rears** (ä'strëz) pl.n. 1. An unpaid, overdue debt or an unfulfilled obligation. 2. The state of being behind in fulfilling obligations; an account in arrears. [Middle English arere, from arere, behind, from Old French arere, from Vulgar Latin \*ad rēndre backward: Latin ad, to; see AD- + Latin rēndre, behind; see re in Appendix I.]

**a•rest** (ä'rest') v. -rest•ed, -rest•ing, -rests —tr. 1. To stop; check: a brake that automatically arrests motion; arrested the growth of the tumor. 2. To seize and hold under the authority of law. 3. To capture and hold briefly (the attention, for example); engage. —intr. To undergo cardiac arrest: The patient arrested en route to the hospital. ♦ n. 1a. The act of detaining in legal custody: the arrest of a criminal suspect. b. The state of being so detained: a criminal under arrest. 2. A device for stopping motion, especially of a moving part. 3. The act of stopping or the condition of being stopped. [Middle English aristen, from Old French arester, from Vulgar Latin \*arrestare: Latin ad-, ad- + Latin restare, to stand still (*re-*, *re-* + stare, to stand; see stā- in Appendix I).] —a'rest'•a•ble adj. —a'rest'et, a'rest'or n. —a'rest'ment n.

**a•rest•ee** (ä'rest'ë) n. One who is under arrest.

**a•rest•ing** (ä'rest'ëng) adj. Attracting and holding the attention; striking. See synonyms at noticeable. —a'rest'ëng•ly adv.

**A•rhe•ni•us** (ä'reñ'ë-nës, ä'rëñ'-), Svante August 1859–1927. Swedish physicist and chemist. He won a 1903 Nobel Prize for his electrolytic theory of dissociation.

**a•rhyth•mi•a** (ä'rith'ë-më-ë) n. An irregularity in the force or rhythm of the heartbeat. [New Latin, from Greek *arrhythmos*, lack of

ä pat	oi boy
ä pay	oo eat
ä care	oo took
ä father	oo boot
ä pet	oo cat
ä be	oor urge
ä pit	oth thin
ä pie	oth this
ä pier	ow which
ä pot	oh vision
ä toe	ə about, item
ä pew	ə regionalism

Stress marks: ' (primary); ' (secondary), as in dictionary (dik'shə-när'ë).

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**non-commensurable** \n'əm̩'en̩sərəbl̩ adj : not commensurable : non-  
commercial \n'əm̩'er̩səl̩ adj : not commercial; as : not used in commerce : having no commercial importance (as ~ species of fish —H.P.Clemens) b : not commercially motivated (their friendly ~ attitude —Atlantic) (the ~ theater)

**non-commissioned** \n'əm̩'is̩n̩d̩d̩ adj : not having a commission

**noncommissioned officer** n : a subordinate officer in a branch of the armed services appointed on the basis of examination from enlisted personnel and holding one of various grades (as corporal, sergeant, petty officer)

**non-committal** \n'əm̩'it̩l̩ adj : the state of being noncommittal to a particular position or point of view : refusal to commit oneself

**noncommittal** \n'əm̩'it̩l̩ adj 1 : taking no clear position or giving no clear indication of attitude, feeling, or point of view : refrained (finally) consent to sign the brief and ~ committed —A.L.Funk (her tone was friendly but ~ —Helen Howe) (did not feed him with flowery excitement but with a ~ smile —Sinclair Lewis) (elected a ~ grunt —C.G.D. Roberts) 2 : having no clear, sharply defined, or distinctive character, meaning, or significance (a ~ word that might be used of anything from babies to furnaces —J.S.Wain) (pitched in the dull ~ surroundings of a rehearsal room —Obert Sirelli) —non-committal \n'əm̩'it̩l̩ adj : a noncommittal position or policy

**non-communicable** \n'əm̩'yū'kyü'neit̩l̩ adj : not capable of being communicated; specif: not transmissible by direct contact (as ~ disease)

**non-communicant** \n'əm̩'yū'kyü'neit̩nt̩ adj : a person who is not a communicant; one who does not receive Communion; specif: one who does not attend church

**non-communication** \n'əm̩'yū'kyü'neit̩n̩ adj : neglect or refusal to receive Communion

**non-communist** \n'əm̩'yū'nyü'm̩st̩ adj, usu cap C 1 : not Communist; being other than Communist (~ labor leaders) 2 : affirming or certifying to nonmembership in the Communist party (non-Communist oath)

**non-comroqueur** \n'əm̩'rɔk'w̩r̩ adj [MerSp, fr. Sp non- + MerSp *comroquear*] : an ace or king that can be combined in panguero and other Mexican forms of rummy with other cards of the same rank (in the ace of spades and two aces of hearts) —*comroqueo*

**non-comparance** \n'əm̩'pə'rens̩ adj n, Scand law : default in appearing in court

**non-competent** \n'əm̩'pē'n̩t̩ adj : not competent; specif: not legally qualified or capable (declared —by the government —F.B.Gipson)

**non-competing** \n'əm̩'pē'n̩t̩ adj : not competing

**non-competitive** \n'əm̩'pē'n̩t̩ adj : not competitive; as : not subject to competition : not filled by competitive examinations (~ positions) b : lacking competitive spirit or not motivated by a spirit of competition (stimulate ~ interest in games —A.Jackson)

**non-complementary** \n'əm̩'pē'mänt̩t̩ adj : not complementary

**non-compliance** \n'əm̩'plä'ns̩ adj : failure or refusal to comply

**non-compos** \n'əm̩'pōz̩p̩ adj [noncompos or noncompos] : not composed [as noncompos in the phrase noncompos mentis] ; not noncompos mentis

**non-composed** \n'əm̩'pōz̩d̩ adj [L *non* + *componere*] : non composed (they'll say you're non composed —Kenneth Roberts)

**non compos mentis** \n'əm̩'pōz̩d̩ m̩d̩ adj [L, lit., not having mastery of one's mind] : not of sound mind : wholly lacking mental capacity to understand the nature, consequences, and effect of a situation or transaction

**non-compound** \n'əm̩'pōnd̩ adj : not compound

**non-compounder** \n'əm̩'pōnd̩r̩ adj : one that does not compound

2 **non cap** : one of the Jacobites who desired the unconditional restoration of James II of England after his abdication

**non-conform** adj : nonconformist

**non-concentric** \n'əm̩'sēn̩tr̩ik̩ adj : not concentric

**non-concur** \n'əm̩'kōn'kər̩ adj : to refuse to concur (moved to ~ with the lower board —Springfield (Mass.) Union) (nonconcurred in the Senate's adjournment resolution —H.W.Sparrow)

**non-concurrence** \n'əm̩'kōn̩'sərs̩ns̩ adj [non + concurrence] : the act or an instance of nonconcurrence

**non-concurrence** \n'əm̩'kōn̩'sərs̩ns̩ adj [non + concurrence] : the state of being nonconcurrence

**non-concurrent** \n'əm̩'kōn̩'r̩nt̩ adj [non + concurrent] : having similar provisions or application to a lot (a ~ insurance policy)

**non-concentrating engine** \n'əm̩'sēn̩tr̩'ēng'j̩n̩ adj : a steam engine of turbine not provided with a condenser

**non-conducting** \n'əm̩'kōnd̩kt̩ing̩ adj : not conducting (~ material)

**non-conductor** \n'əm̩'kōnd̩kt̩r̩ adj [non + conductor] : a substance that conducts heat, electricity, or sound only to a very small degree

**non-confidence** \n'əm̩'kōnf̩d̩ns̩ adj : lack of confidence; esp: lack of confidence in a government by a particular minority (the cabinet fell as a result of a formal vote of ~)

**nonconform adj** [non- + conform, adj] obs : NONCONFORMIST

**non-conform** \n'əm̩'kōn̩'f̩rm̩ adj : not conforming to [non + conform, v, ] : to fail to conform

**nonconformable** adj [non- + conformable] obs : NONCONFORMIST

**non-conforming** \n'əm̩'kōn̩'f̩rm̩ng̩ adj : failure to conform (~ to the established traditions —Bernard Tapie)

**non-conforming** \n'əm̩'kōn̩'f̩rm̩ng̩ adj : a *non conform*, pres. part. of *non conform* (a natural-born ~ —Newspaper)

**non-conforming** \n'əm̩'kōn̩'f̩rm̩ng̩ adj [non + conforming, pres. part. of conform] : not conforming; failing to conform (pressures on ~ individuals —New York) ; esp : not conforming to the established church (*nonconformist* etc.)

**non-conformism** \n'əm̩'kōn̩'f̩rm̩iz̩m̩ adj [nonconform + -ism] : the principles or practices of nonconformists (their individualism constantly drives them to ~ —James Flanney) (their individualism ~ —Robert Pipp)

**non-conformist** \n'əm̩'kōn̩'f̩rm̩ist̩ adj [non + conform, v, + -ist] 1 : a person who does not conform to an established church or its doctrine, discipline, or policy (Lutheran churchmen and Swedish ~s cooperate —N.G.Sahlin) b *non conform* (pl.) : one of the clergy numbering about 2000 who left the Church of England in 1662 rather than submit to the Act of Uniformity (2) : a member of a religious body separated from the Church of England : DISSENTER (a desire to bring Nonconformists within the established church —Brit. Book News) 2 : a person who fails or refuses to conform to some norm : one who deviates from what is generally accepted or socially approved way or pattern of thought or action (the Bureau of Naval Personnel soon returned their ~s to a civilian status —A.A.Siegel) b : a person who abides in principle on grounds from an established or conventional creed, rule, or practice : one who displays a courageous independence of thought in refusing to conform

of England or its doctrine, discipline, or polity : the movement, doctrines, or principles of English Protestant dissent (Nonconformity reached its height of political power around the beginning of the century —D.W.Brown) (3) often cap : the body of English Nonconformists (efforts on behalf of persecuted Nonconformists —Douglas Bush) (made many friends in the circles of protest —~ —John Buchan) b : refusal to conform to an established or conventional creed, rule, or practice (totalitarian *orthodoxy* hates *defiance* —A.E.Stevenson, f1965) (the word ~ : with its tenor of ~ —Mary Webb) 2 : absence of agreement or correspondence (the striking ~ of his ideas and his practice) 3 : a surface of contact between sedimentary rocks and underlying eroded igneous or metamorphic rocks upon which they were deposited a depositional contact; also: an unconformity occurring between two nonparallel sequences of strata non-consciousness \n'əm̩'kōn̩'shn̩s̩ adj : not conscious (~ psychic processes —A.A.Bradley)

**non-consumable** \n'əm̩'kōn̩'shəbəl̩ adj : not consumable

**non-contagious** \n'əm̩'kōn̩'täj̩shəs̩ adj : not contagious (~ disease)

**non-content** \n'əm̩'kōn̩'tēnt̩ adj [non- + content, n.] : a member of the British House of Lords who gives a negative vote

**non-contentious** \n'əm̩'kōn̩'tēn̩t̩ adj : not contentious

**non-continuous** \n'əm̩'kōn̩'tyü'nyüs̩ adj : not continuous : discontinuous

**non-contraband** \n'əm̩'kōn̩'träbänd̩ adj : not being contraband

**non-contractile** \n'əm̩'kōn̩'kträkt̩l̩ adj : not contractile

**non-contradiction** \n'əm̩'kōn̩'trädikt̩shn̩ adj : absence of logical contradiction

**non-contradictory** \n'əm̩'kōn̩'trädikt̩r̩i'k̩ adj : not contradictory

**non-contributory** \n'əm̩'kōn̩'tribüt̩r̩i'k̩ adj : making or involving no contribution: as : a : involving, related to, or constituting a contribution whereby the employer pays the total cost b : making no contribution to medical diagnosis (the past history was ~ —Stern)

**non-convertible** \n'əm̩'kōn̩'vərt̩bəl̩ adj : not convertible (~ bonds)

**non-convulsive** \n'əm̩'kōn̩'vüls̩v̩l̩ adj : not convulsive

**non-cooperation** \n'əm̩'kōn̩'kōöp̩r̩äshn̩ adj : refusal or refusal to cooperate; specif: refusal through civil disobedience (as by nonpayment of taxes or by boycott of courts, legislative councils, schools) of a people to cooperate with the government of a country —used esp. of the policy of Gandhi and his followers in India

**non-cooperative** \n'əm̩'kōn̩'kōöp̩r̩äv̩ adj : of, relating to, or characterized by noncooperation

**non-cooperator** \n'əm̩'kōn̩'kōöp̩r̩äv̩r̩ adj : one who practices noncooperation

**non-corroding** \n'əm̩'kōn̩'kōr̩d̩g̩ adj : not corrosive

**non-crystalline** \n'əm̩'kōn̩'krıst̩l̩n̩ adj : not crystalline

**non-cumulative** \n'əm̩'kōn̩'kyü'm̩v̩l̩ adj [non + cumulative] : not cumulative to future payments of dividends or interest passed normally due (~ stock) (income bonds)

**non-current** \n'əm̩'kōn̩'kj̩r̩nt̩ adj : not current

**non-cyclic** or **non-circulating** \n'əm̩'kōn̩'sīkl̩ adj : not cyclic

**non-danda** \n'əm̩'kōn̩'dānd̩ adj [Indonesian *danda*] : an endemic name in southeast Queensland, Australia 1 : an edible fruit (of an Australias tree that resembles a plum) 2 : the tree (*Parinari danda*) that bears nodules

**non-deciduate** \n'əm̩'kōn̩'dēs̩d̩ adj [non + deciduate] : mammals having a nondiundate placenta —used as if were a noun

**non-deciduity** \n'əm̩'kōn̩'dēs̩d̩yü' adj [non + deciduity] : the condition of being nondeciduate

**non-deductible** \n'əm̩'kōn̩'dék̩t̩bəl̩ adj [non + deductible] : not deductible; esp: not deductible as income (losses)

**non-degradable** \n'əm̩'kōn̩'dr̩g̩bəl̩ adj : not degradable (bottom)

**non-delinquent** \n'əm̩'kōn̩'d̩l̩n̩k̩nt̩ adj : one that is not a delinquent

**non-delivery** \n'əm̩'kōn̩'dl̩r̩i' k̩ adj : neglect or failure to deliver

**non-democratic** \n'əm̩'kōn̩'dm̩kr̩ät̩ik̩ adj : not democratic : not believing in or practicing democratic ideals and principles

**non-denominational** \n'əm̩'kōn̩'dn̩m̩n̩shən̩l̩ adj : not restricted to a denominational (a church)

**non-denominationalism** \n'əm̩'kōn̩'dn̩m̩n̩shən̩l̩m̩ adj : the principle of being nondenominational or of not emphasizing denominationalism

**non-disposition** \n'əm̩'kōn̩'dis̩p̩z̩shn̩ adj : DIASPIR 3

**non-document** \n'əm̩'kōn̩'düm̩k̩shn̩ adj [non- + L *descriptio*, past part. of *scribere* (to write) —more at *document*] 1 : I archeol: not hitherto described 2 : lacking distinguishing characteristics or a distinctive character

**non-disqualifying** \n'əm̩'kōn̩'dis'kwa'l̩f̩yng̩ adj : of a species of plant or mineral not hitherto described 2 : someone or something lacking distinguishing characteristics or a distinctive character

**non-individual** \n'əm̩'kōn̩'ind̩v̩d̩y̩l̩ adj : not easily classified or of no particular class or kind (the famous turquoise eyes had washed out to a milky blue —Budd Schulberg) (a西南的 *swindler* (with a ~ nose —Norman Douglas) (the ruin of prospectors, middlemen, gamblers, outlaws, and ~ —Amer. Guide Series: Nev.) (ranging from the landlord to the lowest scoundrel —Charles Dickens) (catlie in the region, 80 percent of which were crossbred —*Farmer's Weekly* (So. Africa)) 3 : the bottom or near the bottom grade of marketable tobacco

**non-deteriorative** \n'əm̩'kōn̩'d̩t̩r̩ör̩i've adj : not deteriorative

**non-detached** \n'əm̩'kōn̩'det̩ch̩t̩d̩ adj [non + detached] 1 : he does not detain: as the general issue in an action of detinere putting in issue only the question of detention

**non-detonating** \n'əm̩'kōn̩'det̩n̩t̩g̩ adj : not detonating; reacting by deflagration

**non-development** \n'əm̩'kōn̩'dv̩l̩pm̩t̩ adj : a failure or lack of development

**non-diffusible** \n'əm̩'kōn̩'df̩f̩s̩b̩l̩ adj : not diffusible

**non-distracting** \n'əm̩'kōn̩'d̩str̩kt̩ng̩ adj : not distracting

**non-digestible** \n'əm̩'kōn̩'dg̩st̩b̩l̩ adj : not digestible

**non-directional** \n'əm̩'kōn̩'dr̩k̩sh̩nl̩ adj : not directional : nondirectional

**non-directive** \n'əm̩'kōn̩'dr̩kt̩v̩ adj [non + directive] 1 : of or relating to psychotherapy or counseling in which the counselor refrains from interpreting or making critical comment but uses, by repeating phras used by the client encourages him to express, clarify, and restructure his problem; esp: associated with directive 2 : of or relating to interviewing (as by an anthropologist of a native informant) which avoids direct questioning and prompts the person being interviewed to talk freely, naturally, or spontaneously (prolonged, ~ interviews —B.J.Siegel)

**non-disclosure** \n'əm̩'kōn̩'ds̩kl̩r̩s̩n̩ adj : a failure to reveal facts bearing upon a transaction

**non-disjunction** \n'əm̩'kōn̩'d̩s̩kju'ñshn̩ adj [non + disjunction] 1 : the failure of two homologous chromosomes to separate during reduction division —non-disjunction \n'əm̩'kōn̩'d̩s̩kju'ñshn̩ adj

**non-distinctive** \n'əm̩'kōn̩'d̩st̩kt̩ns̩v̩ adj [non- + distinctive] of a speech

manifestation of an incorporeal spiritual eternal essence constituting the innermost self of all things 2 : any of various monistic or pluralistic theories of the universe

**non-durables** \n'əm̩'kōn̩'d̩r̩b̩l̩s̩ adj [non + durable] consumer goods or producer goods (as textiles, food, clothing, petroleum, chemical products) that are serviceable for a comparatively short period of time or that are consumed or destroyed in a single usage

**none** \n'əm̩'n̩ pron, sing or pl in count [ME none, none, prop. & adj, fr. OE *n̩n̩*, fr. *n̩* not + *ne* one —more at NO, ONE] 1 : a : not any (~ of them were internally absorbed enough —Wintrop Sargent) (~ of our scholars has written a monograph on him —Norman Douglas) (~ of our creeds are entirely free from guesswork —M.R.Cohen) b : neither of which ~ of the two can wholly be responsible —*Science & Culture* 2 a : one that is not or lacks the requisite qualities of the thing or person mentioned (how to make a brave or wise man of one that is ~) b : arachne : one that is not at all the thing or person mentioned —used in the phrase none of those art —of my brother —*Baldwin Book*) 3 : b : not one : NO ONE, NOBODY (~ is said to be left now —Stark Young) (~ is immune from the feeling and need for individuality —John Sirs) (~ in the morning ~ was visible —Time) were dead in the labyrinthine ambition —G.K.Chesterton) 4 : not any such thing or person (half a loaf is better than ~) 5 : not part : *none* (had ~ of the concession of the foreigner —Walter Lipmann), seemed to want ~ of it —Time) (will have ~ of this theory —R.S.Bourne) (a difficult sort and I want ~ of her —March Davenport) **none** \n'əm̩'n̩ adj [ME noon, none, prop. & adj, fr. OE *n̩n̩*] archaic : not any (no (those shall have ~ other gods before me —Deut 5:7 (AV)) 1 : by no means : not at all (the authenticity of many ... is ~ too clear —A.L.Kroeger) (~ too prosperous, sought to save itself —Amer. Guide Series: Pa.) 2 : in no way : to no extent —often used in substandard speech with another negative (ain't heard her ~ this morning —Burke) **none** \n'əm̩'n̩ adj [non + *one* cap (L *non*)] 1 : L ninth hour of the day counting from sunrise —more at noon 2 : a canonical hour that according to ancient Roman and Eastern reckoning is the ninth hour 3 : a religious office formerly recited at 9 p.m. but now in the Roman Catholic Church often somewhat earlier

**non-economic** \n'əm̩'kōn̩'m̩k̩m̩ik̩ adj : not economic: as : being other than economic (~ kinds of motivation —Harold Koontz & Cyril H.Donnel) (over any ~ issue such as the union shop —U.S. Com) 2 : having no economic importance or implication (a number of ... —plane —*Encyc. Americana*)

**non-economist** \n'əm̩'kōn̩'m̩k̩m̩ist̩ adj : one that is not an economist

**non-excommunications** \n'əm̩'kōn̩'ek̩m̩k̩m̩shn̩s̩ adj : non excommunications

**non-effective** \n'əm̩'kōn̩'ef̩f̩kt̩iv̩ adj : not effective 2 : not fit or available for military or naval duty

**non-effectiveive** \n'əm̩'kōn̩'ef̩f̩kt̩v̩ adj : a soldier or sailor unavailable for regular duty because of infirmity (as from sickness or wounds) non-effervescent \n'əm̩'kōn̩'ef̩f̩v̩r̩s̩t̩ adj : not effervescent

**non-explosive** \n'əm̩'kōn̩'ek̩pl̩s̩b̩l̩ adj : not explosive

**non-extinction** \n'əm̩'kōn̩'ek̩st̩k̩shn̩ adj [non + extinction] 1 : non-extinct (as from extinction —*Encyc. Britannica*) 2 : not extinct: as non-extinct species

**non-extinct** \n'əm̩'kōn̩'ek̩st̩kt̩ adj [non + extinct] 1 : something that does not exist or exists only in the imagination (the whole realm of *essences*, such as "the round square", "Apollo", "Hamlet" —Herbert Feigl & S.W.Sellars) (in one day ... high-bred money-wages became fairy-money and ~ —Thomas Carlyle) 2 : the quality or state of not existing : NONEXISTENCE 3 : a person who is totally undistinguished or unimportant in mind, character, or achievement : one of small or mediocre talents (manifested by hacks and novelties put in nomination —Wertheim) (there can be no leaders if all the followers are non-existent W.J.Sullivan) (becoming a moral —Lionel Trilling) b : something of little value or importance (something totally lacking in distinction (this building therefore sinks ... a ~ into the dismal swamp of buildings around it —Lewis Mumford) c : the condition of being a nonentity (his shrunken figure relapsed into drab —Gerald Benson) (emerging from the sunthomous abyss of ~ —H.L.Mencken) (after five and a half months of political —Time) **non-en-tres** or **non-en-tress** \n'əm̩'kōn̩'en̩'tr̩s̩ adj [non + *tres*] 1 : *tres* (as in *en force*, *en droit*) 2 : failure of an heir to hold to make an entry thereon and to obtain inheritance of the property from the superior; also : the feudal causality arising from such failure

**non-entry** \n'əm̩'kōn̩'en̩'tr̩y adj [non + entry] 1 : *tres* (as in *en force*, *en droit*) 2 : failure of an heir to hold to make an entry thereon and to obtain inheritance of the property from the superior; also : the feudal causality arising from such failure

**non-episcopal** \n'əm̩'kōn̩'ep̩s̩k̩p̩l̩ adj : not episcopal

**non-eruptive** \n'əm̩'kōn̩'er̩pt̩v̩ adj : not eruptive

**none** \n'əm̩'n̩ pron, pl of *none* ninth —more at noon 1 : the ninth day before the ides according to ancient Roman reckoning — compare CALENDAR 2 often cap [pl of *none*] *none* —so-*so-pretty*, \n'əm̩'n̩ adj [none + so-pretty] 1 : 1 & decorative braid or tape used in the late 18th century 2 a : LONDON PAIR 1 b : LOREL'S CATCHFLY

**non-essential** \n'əm̩'kōn̩'es̩s̩sh̩nl̩ adj : not of prime or central importance (~ to the integral meanings of poetry —Publ's Mod. Lang. Assoc. of Amer.) (guard carefully against unnecessary uniformity in ~ masters —E.P.Cubberly)

**non-essential** \n'əm̩'kōn̩'es̩s̩sh̩nl̩ adj : something that is not essential

**non-essential clause** : MONOSTRACTIVE CLAUSE

**non-expat** \n'əm̩'kōn̩'ek̩p̩t̩ adj [non + expat] 1 : *expat* est factus [NL, it was not done] : the plea of the general issue in an action of debt on bond or other specialty and on any written instrument in some states

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2004, I caused two copies of the foregoing **Non-Confidential Joint Appendix** to be served as follows:

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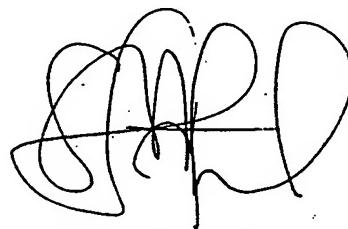
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